

By the Committees on Transportation and Economic Development
Appropriations; Finance and Tax; and Transportation; and Senator
Gardiner

606-05210-10

20102400c3

1 A bill to be entitled
2 An act relating to motor vehicles; amending s. 261.03,
3 F.S.; redefining the term "ROV" to include vehicles of
4 an increased width and weight; amending s. 316.003,
5 F.S.; defining the term "tri-vehicle"; amending s.
6 316.066, F.S.; authorizing crash reports to be
7 provided to law enforcement agencies and county
8 traffic operations; amending s. 316.0741, F.S.;
9 providing that certain tri-vehicles are hybrid
10 vehicles; amending s. 316.159, F.S.; requiring that
11 drivers of certain commercial motor vehicles slow
12 before crossing a railroad grade; amending s. 316.193,
13 F.S.; revising qualifications for an immobilization
14 agency to immobilize vehicles in a judicial circuit;
15 requiring the immobilization agency to conduct a state
16 criminal history check on certain employees;
17 redefining the term "immobilization agency" or
18 "immobilization agencies"; amending s. 316.2065, F.S.;
19 requiring bicycles to be ridden in the lane marked for
20 bicycle use except under specified circumstances;
21 amending s. 316.2085, F.S.; authorizing the license
22 tag on a motorcycle or moped to be affixed and
23 displayed perpendicularly relative to the ground under
24 certain circumstances; amending s. 316.2952, F.S.;
25 authorizing a person to attach a global positioning
26 system device to the windshield of a motor vehicle;
27 amending s. 316.29545, F.S.; authorizing the
28 Department of Highway Safety and Motor Vehicles to
29 exempt persons having medical conditions that require

606-05210-10

20102400c3

30 a limited exposure to light from certain prohibitions
31 against using sunscreening material on the windows of
32 a motor vehicle; directing the Department of Highway
33 Safety and Motor Vehicles to exempt vehicles that are
34 owned or leased by private investigative agencies from
35 certain prohibitions against using suncreening
36 material on the windows of a motor vehicle;
37 authorizing the Department of Highway Safety and Motor
38 Vehicles to adopt rules; amending s. 316.605, F.S.;
39 conforming the prohibition on the vertical display of
40 a license tag to changes made by the act; amending s.
41 316.646, F.S.; directing the Department of Highway
42 Safety and Motor Vehicles to suspend the registration
43 and driver's license of a person convicted of failure
44 to maintain required security on a motor vehicle;
45 amending s. 317.0003, F.S.; redefining the term "ROV"
46 to include vehicles of an increased width and weight;
47 amending s. 318.14, F.S.; providing procedures for
48 disposition of a citation for violating a specified
49 learner's driver's license restriction; removing an
50 erroneous reference; removing a requirement that a
51 person who commits a noncriminal traffic infraction be
52 cited to appear before an official; requiring a person
53 who commits a traffic violation requiring a hearing or
54 a criminal traffic violation to sign and accept a
55 citation indicating a promise to appear for a hearing;
56 requiring an officer to certify the delivery of a
57 citation to the person cited; providing penalties;
58 providing for certain persons cited for specified

606-05210-10

20102400c3

59 offenses to provide proof of compliance to a
60 designated official; providing alternative citation
61 disposition procedures for the offense of operating a
62 motor vehicle with a license that has been suspended
63 for failure to pay certain financial obligations or
64 failure to comply with specified education
65 requirements; amending s. 318.18, F.S.; adding a
66 designated school crossing to the locations at which
67 exceeding the posted speed limit will double the fine
68 otherwise provided by law; amending s. 319.28, F.S.;
69 requiring a lienholder who repossesses a motor vehicle
70 in this state to apply for a certificate of
71 repossession or certificate of title; amending s.
72 319.30, F.S.; defining the term "independent entity";
73 providing procedures for an independent entity that
74 stores a damaged or dismantled motor vehicle for an
75 insurance company to notify the owner when the vehicle
76 is available for pick up or to apply for a certificate
77 of destruction or a certificate of title if the
78 vehicle is not claimed within a certain period;
79 amending s. 320.02, F.S.; requiring the application
80 forms for motor vehicle registration and renewal of
81 registration to include language permitting the
82 applicant to make a voluntary contribution to the
83 League Against Cancer/La Liga Contra el Cancer;
84 amending s. 320.03, F.S.; preempting to the state
85 jurisdiction over a statewide electronic filing system
86 for titling and registering vehicles, vessels, and
87 mobile homes; providing requirements for the system;

606-05210-10

20102400c3

88 providing requirements for such filing system agents
89 to participate in the system; providing for the
90 appointment of agents; providing for the adoption of
91 rules; providing for certain program standards to
92 remain in effect until such rules are adopted;
93 providing for fees; extending the time for certain
94 private providers of the system to comply with certain
95 financial arrangements; amending s. 320.05, F.S.;
96 exempting the provision of certain registrations
97 through a specific electronic filing system from
98 certain fees charged by a tax collector; amending s.
99 320.071, F.S.; revising the period during which the
100 owner of an apportionable motor vehicle may file an
101 application for renewal of registration; amending s.
102 320.08, F.S.; establishing license taxes for tri-
103 vehicles; revising the amount of the annual license
104 tax for the operation of an ancient or antique
105 motorcycle; amending s. 45 of chapter 2008-176, Laws
106 of Florida; delaying the expiration of the moratorium
107 on the issuance of new specialty license plates by the
108 Department of Highway Safety and Motor Vehicles;
109 amending s. 320.08053, F.S.; removing provisions
110 requiring that an organization seeking authorization
111 to establish a new specialty license plate submit a
112 sample survey of motor vehicle owners to the
113 department; requiring that the department establish a
114 method to issue vouchers allowing the presale of a
115 specialty license plate; requiring that an
116 organization that is approved to issue a specialty

606-05210-10

20102400c3

117 license plate record with the department a minimum
118 number of voucher sales in order to proceed with the
119 development of the plate; providing for the purchaser
120 of a voucher to receive a refund or use the voucher to
121 purchase of another license plate if the specialty
122 plate is deauthorized; amending ss. 320.08056 and
123 320.08058, F.S.; conforming provisions to changes made
124 by the act; creating the Hispanic Achievers license
125 plate, the Children First license plate, and the
126 Veterans of Foreign Wars license plate; establishing
127 an annual use fee for the plates; providing for the
128 distribution of use fees received from the sale of
129 such plates; providing clarification for certain
130 organizations exempt from the moratorium; prohibiting
131 the Department of Highway Safety and Motor Vehicles
132 from establishing any new voluntary contribution
133 checkoffs on the motor vehicle registration form or
134 the driver's license application form between a
135 specified period; providing an exception; amending s.
136 320.0807, F.S.; revising provisions governing the
137 special license plates issued to federal and state
138 legislators; amending s. 320.084, F.S.; providing for
139 a biennial registration renewal period for disabled
140 veteran license plates; amending s. 321.03, F.S.;
141 providing that it is unlawful to possess or color or
142 cause to be colored a motor vehicle or motorcycle of
143 the same or similar color as those prescribed for the
144 Florida Highway Patrol unless specifically authorized
145 by the Florida Highway Patrol; amending s. 321.05,

606-05210-10

20102400c3

146 F.S.; providing that officers of the Florida Highway
147 Patrol have the same arrest and other authority as
148 that provided for certain other state law enforcement
149 officers; amending s. 322.01, F.S.; defining the term
150 "tri-vehicle" and excluding such vehicles from the
151 definition of "motorcycle"; amending s. 322.08, F.S.;
152 requiring the application form for an original,
153 renewal, or replacement driver's license or
154 identification card to include language permitting the
155 applicant to make voluntary contributions for certain
156 purposes; requiring such forms to include language
157 permitting the applicant to make a voluntary
158 contribution to the League Against Cancer/La Liga
159 Contra el Cancer; providing for distribution of funds
160 collected from such contributions; providing that such
161 contributions are not considered income of a revenue
162 nature; amending s. 322.121, F.S.; revising
163 legislative intent for reexamination of licensed
164 drivers upon renewal of the driver's license; removing
165 a requirement that each licensee must pass a
166 reexamination at the time of license renewal; amending
167 s. 322.18, F.S.; authorizing a licensed physician at a
168 federally established veterans hospital to administer
169 a vision test for purposes of renewing a driver's
170 license; correcting a cross-reference; amending s.
171 322.2615, F.S.; revising requirements for information
172 an officer must submit to the department after
173 suspending a driver's license for certain DUI
174 offenses; removing a requirement that the officer

606-05210-10

20102400c3

175 submit a copy of a crash report; authorizing the
176 officer to submit such report; amending s. 322.34,
177 F.S.; providing that if a person does not hold a
178 commercial driver's license and is cited for an
179 offense of knowingly driving while his or her license
180 is suspended, revoked, or canceled, he or she may, in
181 lieu of payment of a fine or court appearance, elect
182 to enter a plea of nolo contendere and provide proof
183 of compliance to the clerk of the court, designated
184 official, or authorized operator of a traffic
185 violations bureau; limiting a driver's option to elect
186 such a remedy; amending s. 322.61, F.S.; revising the
187 period of disqualification from operating a commercial
188 motor vehicle for a violation of an out-of-service
189 order; amending s. 488.06, F.S.; specifying additional
190 circumstances under which the department may suspend
191 or revoke a license or certificate of a driving
192 school; providing effective dates.

193

194 Be It Enacted by the Legislature of the State of Florida:

195

196 Section 1. Subsection (9) of section 261.03, Florida
197 Statutes, is amended to read:

198 261.03 Definitions.—As used in this chapter, the term:

199 (9) "ROV" means any motorized recreational off-highway
200 vehicle 64 ~~60~~ inches or less in width, having a dry weight of
201 2,000 ~~1,500~~ pounds or less, designed to travel on four or more
202 nonhighway tires, having nonstraddle seating and a steering
203 wheel, and manufactured for recreational use by one or more

606-05210-10

20102400c3

204 persons. The term "ROV" does not include a golf cart as defined
205 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
206 defined in s. 320.01(42).

207 Section 2. Subsection (86) is added to section 316.003,
208 Florida Statutes, to read:

209 316.003 Definitions.—The following words and phrases, when
210 used in this chapter, shall have the meanings respectively
211 ascribed to them in this section, except where the context
212 otherwise requires:

213 (86) TRI-VEHICLE.—An enclosed three-wheeled passenger
214 vehicle that:

215 (a) Is designed to operate with three wheels in contact
216 with the ground;

217 (b) Has a minimum unladen weight of 900 lbs;

218 (c) Has a single, completely enclosed, occupant
219 compartment;

220 (d) Is produced in a minimum quantity of 300 in any
221 calendar year;

222 (e) Is capable of a speed greater than 60 miles per hour on
223 level ground; and

224 (f) Is equipped with:

225 1. Seats that are certified by the vehicle manufacturer to
226 meet the requirements of Federal Motor Vehicle Safety Standard
227 No. 207, "Seating systems" (49 C.F.R. s. 571.207);

228 2. A steering wheel used to maneuver the vehicle;

229 3. A propulsion unit located forward or aft of the enclosed
230 occupant compartment;

231 4. A seat belt for each vehicle occupant, certified to meet
232 the requirements of Federal Motor Vehicle Safety Standard No.

606-05210-10

20102400c3

233 209, "Seat belt assemblies" (49. C.F.R. s. 571.209);

234 5. A windshield and an appropriate windshield wiper and
235 washer system that are certified by the vehicle manufacturer to
236 meet the requirements of Federal Motor Vehicle Safety Standard
237 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal
238 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and
239 Washing Systems" (49 C.F.R. s. 571.104); and

240 6. A vehicle structure certified by the vehicle
241 manufacturer to meet the requirements of Federal Motor Vehicle
242 Safety Standard No. 216, "Rollover crush resistance" (49 C.F.R.
243 s. 571.216).

244 Section 3. Paragraph (b) of subsection (5) of section
245 316.066, Florida Statutes, is amended to read:

246 316.066 Written reports of crashes.—

247 (5)

248 (b) Crash reports held by an agency under paragraph (a) may
249 be made immediately available to the parties involved in the
250 crash, their legal representatives, their licensed insurance
251 agents, their insurers or insurers to which they have applied
252 for coverage, persons under contract with such insurers to
253 provide claims or underwriting information, prosecutorial
254 authorities, law enforcement agencies, county traffic
255 operations, victim services programs, radio and television
256 stations licensed by the Federal Communications Commission,
257 newspapers qualified to publish legal notices under ss. 50.011
258 and 50.031, and free newspapers of general circulation,
259 published once a week or more often, available and of interest
260 to the public generally for the dissemination of news. For the
261 purposes of this section, the following products or publications

606-05210-10

20102400c3

262 are not newspapers as referred to in this section: those
263 intended primarily for members of a particular profession or
264 occupational group; those with the primary purpose of
265 distributing advertising; and those with the primary purpose of
266 publishing names and other personal identifying information
267 concerning parties to motor vehicle crashes.

268 Section 4. Paragraph (b) of subsection (1) of section
269 316.0741, Florida Statutes, is amended to read:

270 316.0741 High-occupancy-vehicle lanes.—

271 (1) As used in this section, the term:

272 (b) "Hybrid vehicle" means a motor vehicle:

273 1. That draws propulsion energy from onboard sources of
274 stored energy which are both an internal combustion or heat
275 engine using combustible fuel and a rechargeable energy-storage
276 system; ~~and~~

277 2. That, in the case of a passenger automobile or light
278 truck, has received a certificate of conformity under the Clean
279 Air Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the
280 equivalent qualifying California standards for a low-emission
281 vehicle; and

282 3. That, in the case of a tri-vehicle, is an inherently
283 low-emission vehicle (ILEV), as provided in subsection (4).

284 Section 5. Section 316.159, Florida Statutes, is amended to
285 read:

286 316.159 Certain vehicles to stop or slow at all railroad
287 grade crossings.—

288 (1) The driver of any motor vehicle carrying passengers for
289 hire, excluding taxicabs, of any school bus carrying any school
290 child, or of any vehicle carrying explosive substances or

606-05210-10

20102400c3

291 flammable liquids as a cargo or part of a cargo, before crossing
292 at grade any track or tracks of a railroad, shall stop such
293 vehicle within 50 feet but not less than 15 feet from the
294 nearest rail of the railroad and, while so stopped, shall listen
295 and look in both directions along the track for any approaching
296 train, and for signals indicating the approach of a train,
297 except as hereinafter provided, and shall not proceed until he
298 or she can do so safely. After stopping as required herein and
299 upon proceeding when it is safe to do so, the driver of any such
300 vehicle shall cross only in a gear of the vehicle so that there
301 will be no necessity for changing gears while traversing the
302 crossing, and the driver shall not shift gears while crossing
303 the track or tracks.

304 (2) No stop need be made at any such crossing where a
305 police officer, a traffic control signal, or a sign directs
306 traffic to proceed. However, any school bus carrying any school
307 child shall be required to stop unless directed to proceed by a
308 police officer.

309 (3) The driver of any commercial motor vehicle that is not
310 required to stop under subsection (1) or subsection (2) before
311 crossing the track or tracks of any railroad grade crossing
312 shall slow the motor vehicle and check that the tracks are clear
313 of an approaching train.

314 (4)~~(3)~~ A violation of this section is a noncriminal traffic
315 infraction, punishable as a moving violation as provided in
316 chapter 318.

317 Section 6. Subsections (13) and (14) of section 316.193,
318 Florida Statutes, are amended to read:

319 316.193 Driving under the influence; penalties.-

606-05210-10

20102400c3

320 (13) If personnel of the circuit court or the sheriff do
321 not immobilize vehicles, only immobilization agencies that meet
322 the conditions of this subsection shall immobilize vehicles in
323 that judicial circuit.

324 (a) The immobilization agency responsible for immobilizing
325 vehicles in that judicial circuit shall be subject to strict
326 compliance with all of the following conditions and
327 restrictions:

328 1. Any immobilization agency engaged in the business of
329 immobilizing vehicles shall provide to the clerk of the court a
330 signed affidavit attesting that the agency:

331 ~~a. Have a class "R" license issued pursuant to part IV of~~
332 ~~chapter 493;~~

333 ~~a.b. Has~~ Have ~~at least 3 years of~~ verifiable experience in
334 immobilizing vehicles; ~~and~~

335 ~~b.e. Maintains~~ Maintain accurate and complete records of
336 all payments for the immobilization, copies of all documents
337 pertaining to the court's order of impoundment or
338 immobilization, and any other documents relevant to each
339 immobilization. Such records must be maintained by the
340 immobilization agency for at least 3 years; and

341 c. Employs and assigns persons to immobilize vehicles who
342 meet the requirements established in subparagraph 2.

343 2. The person who immobilizes a vehicle must:

344 a. Not have been adjudicated incapacitated under s.
345 744.331, or a similar statute in another state, unless his or
346 her capacity has been judicially restored; involuntarily placed
347 in a treatment facility for the mentally ill under chapter 394,
348 or a similar law in any other state, unless his or her

606-05210-10

20102400c3

349 competency has been judicially restored; or diagnosed as having
350 an incapacitating mental illness unless a psychologist or
351 psychiatrist licensed in this state certifies that he or she
352 does not currently suffer from the mental illness.

353 b. Not be a chronic and habitual user of alcoholic
354 beverages to the extent that his or her normal faculties are
355 impaired; not have been committed under chapter 397, former
356 chapter 396, or a similar law in any other state; not have been
357 found to be a habitual offender under s. 856.011(3), or a
358 similar law in any other state; or not have had any convictions
359 under s. 316.193, or a similar law in any other state within 2
360 years of the affidavit.

361 c. Not have been committed for controlled substance abuse
362 or have been found guilty of a crime under chapter 893, or a
363 similar law in any other state, relating to controlled
364 substances in any other state.

365 d. Not have been found guilty of or entered a plea of
366 guilty or nolo contendere to, regardless of adjudication, or
367 been convicted of a felony, unless his or her civil rights have
368 been restored.

369 e. Be a citizen or legal resident alien of the United
370 States or have been granted authorization to seek employment in
371 this country by the United States Bureau of Citizenship and
372 Immigration Services.

373 (b) The immobilization agency shall conduct a state
374 criminal history check through the Department of Law Enforcement
375 to ensure that the person hired to immobilize a vehicle meets
376 the requirements in sub-subparagraph (a)2.d. ~~never have been~~
377 ~~convicted of any felony or of driving or boating under the~~

606-05210-10

20102400c3

378 ~~influence of alcohol or a controlled substance in the last 3~~
379 ~~years.~~

380 (c)~~(b)~~ A person who violates paragraph (a) commits a
381 misdemeanor of the first degree, punishable as provided in s.
382 775.082 or s. 775.083.

383 ~~(c) Any immobilization agency who is aggrieved by a~~
384 ~~person's violation of paragraph (a) may bring a civil action~~
385 ~~against the person who violated paragraph (a) seeking injunctive~~
386 ~~relief, damages, reasonable attorney's fees and costs, and any~~
387 ~~other remedy available at law or in equity as may be necessary~~
388 ~~to enforce this subsection. In any action to enforce this~~
389 ~~subsection, establishment of a violation of paragraph (a) shall~~
390 ~~conclusively establish a clear legal right to injunctive relief,~~
391 ~~that irreparable harm will be caused if an injunction does not~~
392 ~~issue, that no adequate remedy at law exists, and that public~~
393 ~~policy favors issuance of injunctive relief.~~

394 (14) As used in this chapter, the term:

395 (a) "Immobilization," "immobilizing," or "immobilize" means
396 the act of installing a vehicle antitheft device on the steering
397 wheel of a vehicle, the act of placing a tire lock or wheel
398 clamp on a vehicle, or a governmental agency's act of taking
399 physical possession of the license tag and vehicle registration
400 rendering a vehicle legally inoperable to prevent any person
401 from operating the vehicle pursuant to an order of impoundment
402 or immobilization under subsection (6).

403 (b) "Immobilization agency" or "immobilization agencies"
404 means any person, firm, company, agency, organization,
405 partnership, corporation, association, trust, or other business
406 entity of any kind whatsoever that meets all of the conditions

606-05210-10

20102400c3

407 of subsection (13).

408 (c) "Impoundment," "impounding," or "impound" means the act
409 of storing a vehicle at a storage facility pursuant to an order
410 of impoundment or immobilization under subsection (6) where the
411 person impounding the vehicle exercises control, supervision,
412 and responsibility over the vehicle.

413 (d) "Person" means any individual, firm, company, agency,
414 organization, partnership, corporation, association, trust, or
415 other business entity of any kind whatsoever.

416 Section 7. Subsections (5) and (20) of section 316.2065,
417 Florida Statutes, are amended to read:

418 316.2065 Bicycle regulations.—

419 (5) (a) Any person operating a bicycle upon a roadway at
420 less than the normal speed of traffic at the time and place and
421 under the conditions then existing shall ride in the lane marked
422 for bicycle use or, if no lane is marked for bicycle use, as
423 close as practicable to the right-hand curb or edge of the
424 roadway except under any of the following situations:

425 1. When overtaking and passing another bicycle or vehicle
426 proceeding in the same direction.

427 2. When preparing for a left turn at an intersection or
428 into a private road or driveway.

429 3. When reasonably necessary to avoid any condition,
430 including, but not limited to, a fixed or moving object, parked
431 or moving vehicle, bicycle, pedestrian, animal, surface hazard,
432 or substandard-width lane, that makes it unsafe to continue
433 along the right-hand curb or edge. For the purposes of this
434 subsection, a "substandard-width lane" is a lane that is too
435 narrow for a bicycle and another vehicle to travel safely side

606-05210-10

20102400c3

436 by side within the lane.

437 (b) Any person operating a bicycle upon a one-way highway
438 with two or more marked traffic lanes may ride as near the left-
439 hand curb or edge of such roadway as practicable.

440 (20) Except as otherwise provided in this section, a
441 violation of this section is a noncriminal traffic infraction,
442 punishable as a pedestrian violation as provided in chapter 318.
443 A law enforcement officer may issue traffic citations for a
444 violation of subsection (3) or subsection (16) only if the
445 violation occurs on a bicycle path or road, as defined in s.
446 334.03. However, a law enforcement officer ~~they~~ may not issue
447 citations to persons on private property, except any part
448 thereof which is open to the use of the public for purposes of
449 vehicular traffic.

450 Section 8. Subsection (3) of section 316.2085, Florida
451 Statutes, is amended to read:

452 316.2085 Riding on motorcycles or mopeds.—

453 (3) The license tag of a motorcycle or moped must be
454 permanently affixed to the vehicle and may not be adjusted or
455 capable of being flipped up. No device for or method of
456 concealing or obscuring the legibility of the license tag of a
457 motorcycle shall be installed or used. The license tag of a
458 motorcycle or moped may be affixed and displayed parallel to the
459 ground in a manner that the numbers and letters read from left
460 to right. Alternatively, a license tag for a motorcycle or moped
461 may be affixed and displayed perpendicularly to the ground in a
462 manner that the numbers and letters read from top to bottom, if
463 the registered owner of the motorcycle or moped maintains a
464 prepaid toll account in good standing and a transponder

606-05210-10

20102400c3

465 associated with the prepaid toll account is affixed to the
466 motorcycle or moped.

467 Section 9. Paragraph (d) is added to subsection (2) of
468 section 316.2952, Florida Statutes, to read:

469 316.2952 Windshields; requirements; restrictions.—

470 (2) A person shall not operate any motor vehicle on any
471 public highway, road, or street with any sign, sunscreening
472 material, product, or covering attached to, or located in or
473 upon, the windshield, except the following:

474 (d) A global positioning system device or similar satellite
475 receiver device that uses the global positioning system operated
476 pursuant to 10 U.S.C. s. 2281 for the purpose of obtaining
477 navigation or routing information while the motor vehicle is
478 being operated.

479 Section 10. Section 316.29545, Florida Statutes, is amended
480 to read:

481 316.29545 Window suncreening exclusions; medical
482 exemption; certain law enforcement vehicles and private
483 investigative service vehicles exempt.—

484 (1) The department shall issue medical exemption
485 certificates to persons who are afflicted with Lupus, any
486 autoimmune disease, or other similar medical conditions that
487 ~~which~~ require a limited exposure to light, which certificates
488 shall entitle the person to whom the certificate is issued to
489 have sunscreening material on the windshield, side windows, and
490 windows behind the driver which is in violation of the
491 requirements of ss. 316.2951-316.2957. The department shall
492 consult with the Medical Advisory Board established in s.
493 322.125 for guidance with respect to the autoimmune diseases and

606-05210-10

20102400c3

494 other medical conditions that shall be included on ~~provide, by~~
495 ~~rule, for~~ the form of the medical certificate authorized by this
496 section. At a minimum, the medical exemption certificate shall
497 include a vehicle description with the make, model, year,
498 vehicle identification number, medical exemption decal number
499 issued for the vehicle, and the name of the person or persons
500 who are the registered owners of the vehicle. A medical
501 exemption certificate shall be nontransferable and shall become
502 null and void upon the sale or transfer of the vehicle
503 identified on the certificate.

504 (2) The department shall exempt all law enforcement
505 vehicles used in undercover or canine operations from the window
506 sunscreening requirements of ss. 316.2951-316.2957.

507 (3) The department shall exempt from the window
508 sunscreening restrictions of ss. 316.2953, 316.2954, and
509 316.2956 vehicles that are owned or leased by private
510 investigative agencies licensed under chapter 493.

511 (4)~~(3)~~ The department may charge a fee in an amount
512 sufficient to defray the expenses of issuing a medical exemption
513 certificate as described in subsection (1).

514 (5) The department may adopt rules to administer this
515 section.

516 Section 11. Subsection (1) of section 316.605, Florida
517 Statutes, is amended to read:

518 316.605 Licensing of vehicles.—

519 (1) Every vehicle, at all times while driven, stopped, or
520 parked upon any highways, roads, or streets of this state, shall
521 be licensed in the name of the owner thereof in accordance with
522 the laws of this state unless such vehicle is not required by

606-05210-10

20102400c3

523 the laws of this state to be licensed in this state and shall,
524 except as otherwise provided in s. 320.0706 for front-end
525 registration license plates on truck tractors and s. 320.086(5)
526 which exempts display of license plates on described former
527 military vehicles, display the license plate or both of the
528 license plates assigned to it by the state, one on the rear and,
529 if two, the other on the front of the vehicle, each to be
530 securely fastened to the vehicle outside the main body of the
531 vehicle not higher than 60 inches and not lower than 12 inches
532 from the ground and no more than 24 inches to the left or right
533 of the centerline of the vehicle, and in such manner as to
534 prevent the plates from swinging, and all letters, numerals,
535 printing, writing, and other identification marks upon the
536 plates regarding the word "Florida," the registration decal, and
537 the alphanumeric designation shall be clear and distinct and
538 free from defacement, mutilation, grease, and other obscuring
539 matter, so that they will be plainly visible and legible at all
540 times 100 feet from the rear or front. Except as provided in s.
541 316.2085(3), vehicle license plates shall be affixed and
542 displayed in such a manner that the letters and numerals shall
543 be read from left to right parallel to the ground. No vehicle
544 license plate may be displayed in an inverted or reversed
545 position or in such a manner that the letters and numbers and
546 their proper sequence are not readily identifiable. Nothing
547 shall be placed upon the face of a Florida plate except as
548 permitted by law or by rule or regulation of a governmental
549 agency. No license plates other than those furnished by the
550 state shall be used. However, if the vehicle is not required to
551 be licensed in this state, the license plates on such vehicle

606-05210-10

20102400c3

552 issued by another state, by a territory, possession, or district
553 of the United States, or by a foreign country, substantially
554 complying with the provisions hereof, shall be considered as
555 complying with this chapter. A violation of this subsection is a
556 noncriminal traffic infraction, punishable as a nonmoving
557 violation as provided in chapter 318.

558 Section 12. Subsection (3) of section 316.646, Florida
559 Statutes, is amended to read:

560 316.646 Security required; proof of security and display
561 thereof; dismissal of cases.—

562 (3) Any person who violates this section commits a
563 nonmoving traffic infraction subject to the penalty provided in
564 chapter 318 and shall be required to furnish proof of security
565 as provided in this section. If any person charged with a
566 violation of this section fails to furnish proof, at or before
567 the scheduled court appearance date, ~~that security was in effect~~
568 at the time of the violation, the court shall, upon conviction,
569 notify the department to ~~may immediately~~ suspend the
570 registration and driver's license of such person. If the court
571 fails to order the suspension of the person's registration and
572 driver's license for a conviction of this section at the time of
573 sentencing, the department shall, upon receiving notice of the
574 conviction from the court, suspend the person's registration and
575 driver's license for the violation of this section. Such license
576 and registration may be reinstated only as provided in s.
577 324.0221.

578 Section 13. Subsection (9) of section 317.0003, Florida
579 Statutes, is amended to read:

580 317.0003 Definitions.—As used in this chapter, the term:

606-05210-10

20102400c3

581 (9) "ROV" means any motorized recreational off-highway
582 vehicle 64 ~~60~~ inches or less in width, having a dry weight of
583 2,000 ~~1,500~~ pounds or less, designed to travel on four or more
584 nonhighway tires, having nonstraddle seating and a steering
585 wheel, and manufactured for recreational use by one or more
586 persons. The term "ROV" does not include a golf cart as defined
587 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
588 defined in s. 320.01(42).

589 Section 14. Subsections (1), (2), (3), and (10) of section
590 318.14, Florida Statutes, are amended to read:

591 318.14 Noncriminal traffic infractions; exception;
592 procedures.—

593 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
594 person cited for a violation of chapter 316, s. 320.0605, s.
595 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or
596 (3), s. 322.1615 ~~s. 322.161(5)~~, s. 322.19, or s. 1006.66(3) is
597 charged with a noncriminal infraction and must be cited for such
598 an infraction and cited to appear before an official. If another
599 person dies as a result of the noncriminal infraction, the
600 person cited may be required to perform 120 community service
601 hours under s. 316.027(4), in addition to any other penalties.

602 (2) Except as provided in ss. s. 316.1001(2) and 316.0083,
603 any person cited for a violation requiring a mandatory hearing
604 listed in s. 318.19 or any other criminal traffic violation
605 listed in chapter 316 ~~an infraction under this section~~ must sign
606 and accept a citation indicating a promise to appear. The
607 officer may indicate on the traffic citation the time and
608 location of the scheduled hearing and must indicate the
609 applicable civil penalty established in s. 318.18. For all other

606-05210-10

20102400c3

610 infractions under this section, except s. 316.1001, the officer
611 must certify by electronic, electronic facsimile, or written
612 signature that the citation was delivered to the person cited.
613 This certification is prima facie evidence that the person cited
614 was served with the citation.

615 (3) Any person who willfully refuses to accept and sign a
616 summons as provided in subsection (2) commits ~~is guilty of a~~
617 misdemeanor of the second degree.

618 (10) (a) Any person who does not hold a commercial driver's
619 license and who is cited for an offense listed under this
620 subsection may, in lieu of payment of fine or court appearance,
621 elect to enter a plea of nolo contendere and provide proof of
622 compliance to the clerk of the court, designated official, or
623 authorized operator of a traffic violations bureau. In such
624 case, adjudication shall be withheld; however, no election shall
625 be made under this subsection if such person has made an
626 election under this subsection in the 12 months preceding
627 election hereunder. No person may make more than three elections
628 under this subsection. This subsection applies to the following
629 offenses:

630 1. Operating a motor vehicle without a valid driver's
631 license in violation of the provisions of s. 322.03, s. 322.065,
632 or s. 322.15(1), or operating a motor vehicle with a license
633 that ~~which~~ has been suspended for failure to appear, failure to
634 pay civil penalty, or failure to attend a driver improvement
635 course pursuant to s. 322.291.

636 2. Operating a motor vehicle without a valid registration
637 in violation of s. 320.0605, s. 320.07, or s. 320.131.

638 3. Operating a motor vehicle in violation of s. 316.646.

606-05210-10

20102400c3

639 4. Operating a motor vehicle with a license that has been
640 suspended under s. 61.13016 or s. 322.245 for failure to pay
641 child support or for failure to pay any other financial
642 obligation as provided in s. 322.245. However, this subparagraph
643 does not apply if the license has been suspended pursuant to s.
644 322.245(1).

645 5. Operating a motor vehicle with a license that has been
646 suspended under s. 322.091 for failure to meet school attendance
647 requirements.

648 (b) Any person cited for an offense listed in this
649 subsection shall present proof of compliance prior to the
650 scheduled court appearance date. For the purposes of this
651 subsection, proof of compliance shall consist of a valid,
652 renewed, or reinstated driver's license or registration
653 certificate and proper proof of maintenance of security as
654 required by s. 316.646. Notwithstanding waiver of fine, any
655 person establishing proof of compliance shall be assessed court
656 costs of \$25, except that a person charged with violation of s.
657 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
658 such costs shall be remitted to the Department of Revenue for
659 deposit into the Child Welfare Training Trust Fund of the
660 Department of Children and Family Services. One dollar of such
661 costs shall be distributed to the Department of Juvenile Justice
662 for deposit into the Juvenile Justice Training Trust Fund.
663 Fourteen dollars of such costs shall be distributed to the
664 municipality and \$9 shall be deposited by the clerk of the court
665 into the fine and forfeiture fund established pursuant to s.
666 142.01, if the offense was committed within the municipality. If
667 the offense was committed in an unincorporated area of a county

606-05210-10

20102400c3

668 or if the citation was for a violation of s. 316.646(1)-(3), the
 669 entire amount shall be deposited by the clerk of the court into
 670 the fine and forfeiture fund established pursuant to s. 142.01,
 671 except for the moneys to be deposited into the Child Welfare
 672 Training Trust Fund and the Juvenile Justice Training Trust
 673 Fund. This subsection shall not be construed to authorize the
 674 operation of a vehicle without a valid driver's license, without
 675 a valid vehicle tag and registration, or without the maintenance
 676 of required security.

677 Section 15. Subsection (3) of section 318.18, Florida
 678 Statutes, is amended to read:

679 318.18 Amount of penalties.—The penalties required for a
 680 noncriminal disposition pursuant to s. 318.14 or a criminal
 681 offense listed in s. 318.17 are as follows:

682 (3) (a) Except as otherwise provided in this section, \$60
 683 for all moving violations not requiring a mandatory appearance.

684 (b) For moving violations involving unlawful speed, the
 685 fines are as follows:

686

For speed exceeding the limit by:	Fine:
687 1-5 m.p.h.....	Warning
688 6-9 m.p.h.....	\$25
689 10-14 m.p.h.....	\$100
690 15-19 m.p.h.....	\$150
691 20-29 m.p.h.....	\$175
692 30 m.p.h. and above.....	\$250

693 (c) Notwithstanding paragraph (b), a person cited for
 694 exceeding the speed limit by up to 5 m.p.h. in a legally posted
 695 school zone will be fined \$50. A person exceeding the speed
 696

606-05210-10

20102400c3

697 limit in a school zone or designated school crossing shall pay a
698 fine double the amount listed in paragraph (b).

699 (d) A person cited for exceeding the speed limit in a
700 posted construction zone, which posting must include
701 notification of the speed limit and the doubling of fines, shall
702 pay a fine double the amount listed in paragraph (b). The fine
703 shall be doubled for construction zone violations only if
704 construction personnel are present or operating equipment on the
705 road or immediately adjacent to the road under construction.

706 (e) A person cited for exceeding the speed limit in an
707 enhanced penalty zone shall pay a fine amount of \$50 plus the
708 amount listed in paragraph (b). Notwithstanding paragraph (b), a
709 person cited for exceeding the speed limit by up to 5 m.p.h. in
710 a legally posted enhanced penalty zone shall pay a fine amount
711 of \$50.

712 (f) If a violation of s. 316.1301 or s. 316.1303 results in
713 an injury to the pedestrian or damage to the property of the
714 pedestrian, an additional fine of up to \$250 shall be paid. This
715 amount must be distributed pursuant to s. 318.21.

716 (g) A person cited for exceeding the speed limit within a
717 zone posted for any electronic or manual toll collection
718 facility shall pay a fine double the amount listed in paragraph
719 (b). However, no person cited for exceeding the speed limit in
720 any toll collection zone shall be subject to a doubled fine
721 unless the governmental entity or authority controlling the toll
722 collection zone first installs a traffic control device
723 providing warning that speeding fines are doubled. Any such
724 traffic control device must meet the requirements of the uniform
725 system of traffic control devices.

606-05210-10

20102400c3

726 (h) A person cited for a second or subsequent conviction of
727 speed exceeding the limit by 30 miles per hour and above within
728 a 12-month period shall pay a fine that is double the amount
729 listed in paragraph (b). For purposes of this paragraph, the
730 term "conviction" means a finding of guilt as a result of a jury
731 verdict, nonjury trial, or entry of a plea of guilty. Moneys
732 received from the increased fine imposed by this paragraph shall
733 be remitted to the Department of Revenue and deposited into the
734 Department of Health Administrative Trust Fund to provide
735 financial support to certified trauma centers to assure the
736 availability and accessibility of trauma services throughout the
737 state. Funds deposited into the Administrative Trust Fund under
738 this section shall be allocated as follows:

739 1. Fifty percent shall be allocated equally among all Level
740 I, Level II, and pediatric trauma centers in recognition of
741 readiness costs for maintaining trauma services.

742 2. Fifty percent shall be allocated among Level I, Level
743 II, and pediatric trauma centers based on each center's relative
744 volume of trauma cases as reported in the Department of Health
745 Trauma Registry.

746 Section 16. Effective July 1, 2010, subsection (2) of
747 section 319.28, Florida Statutes, is amended to read:

748 319.28 Transfer of ownership by operation of law.—

749 (2) (a) Except as provided in paragraph (b), only an
750 affidavit by the person, or agent of the person, to whom
751 possession of such motor vehicle or mobile home has so passed,
752 setting forth facts entitling him or her to such possession and
753 ownership, together with a copy of the journal entry, court
754 order, or instrument upon which such claim of possession and

606-05210-10

20102400c3

755 ownership is founded, shall be considered satisfactory proof of
756 ownership and right of possession.

757 (b) In case of repossession of a motor vehicle or mobile
758 home pursuant to the terms of a security agreement or similar
759 instrument, an affidavit by the party to whom possession has
760 passed stating that the vehicle or mobile home was repossessed
761 upon default in the terms of the security agreement or other
762 instrument shall be considered satisfactory proof of ownership
763 and right of possession. At least 5 days prior to selling the
764 repossessed vehicle, any subsequent lienholder named in the last
765 issued certificate of title shall be sent notice of the
766 repossession by certified mail, on a form prescribed by the
767 department. If such notice is given and no written protest to
768 the department is presented by a subsequent lienholder within 15
769 days from the date on which the notice was mailed, the
770 certificate of title or the certificate of repossession shall be
771 issued showing no liens. If the former owner or any subsequent
772 lienholder files a written protest under oath within such 15-day
773 period, the department may ~~shall~~ not issue the certificate of
774 title or certificate of repossession for 10 days thereafter. If
775 within the 10-day period no injunction or other order of a court
776 of competent jurisdiction has been served on the department
777 commanding it not to deliver the certificate of title or
778 certificate of repossession, the department shall deliver the
779 certificate of title or repossession to the applicant or as may
780 otherwise be directed in the application showing no other liens
781 than those shown in the application. Any lienholder who has
782 repossessed a vehicle in this state in compliance with the
783 provisions of this section must ~~may~~ apply to a ~~the~~ tax

606-05210-10

20102400c3

784 collector's office in this state or to the department for a
785 certificate of repossession or to the department for a
786 certificate of title pursuant to s. 319.323. Proof of the
787 required notice to subsequent lienholders shall be submitted
788 together with regular title fees. A lienholder to whom a
789 certificate of repossession has been issued may assign the
790 certificate of title to the subsequent owner. Any person who
791 violates ~~found guilty of violating~~ any requirements of this
792 paragraph commits ~~shall be guilty of~~ a felony of the third
793 degree, punishable as provided in s. 775.082, s. 775.083, or s.
794 775.084.

795 (c) If the applicant for a certificate of title under this
796 section cannot produce satisfactory proof of ownership and right
797 of possession, he or she may submit such evidence as he or she
798 may have, and the department may thereupon, if it finds the
799 evidence sufficient, issue a certificate of title.

800 Section 17. Present paragraphs (g) through (u) of
801 subsection (1) of section 319.30, Florida Statutes, are
802 redesignated as paragraphs (h) through (v), respectively, a new
803 paragraph (g) is added to that subsection, present subsection
804 (9) of that section is renumbered as subsection (10), and a new
805 subsection (9) is added to that section, to read:

806 319.30 Definitions; dismantling, destruction, change of
807 identity of motor vehicle or mobile home; salvage.—

808 (1) As used in this section, the term:

809 (g) "Independent entity" means a business or entity that
810 may temporarily store damaged or dismantled motor vehicles
811 pursuant to an agreement with an insurance company and is
812 engaged in the sale or resale of damaged or dismantled motor

606-05210-10

20102400c3

813 vehicles. The term does not include a wrecker operator, towing
814 company, or a repair facility.

815 (9) (a) An insurance company may notify an independent
816 entity that obtains possession of a damaged or dismantled motor
817 vehicle to release the vehicle to the owner. The insurance
818 company shall provide the independent entity a release statement
819 on a form prescribed by the department authorizing the
820 independent entity to release the vehicle to the owner. The form
821 shall contain at a minimum:

822 1. Policy and claim number;
823 2. Name and address of insured;
824 3. Vehicle identification number; and
825 4. Signature of an authorized representative of the
826 insurance company.

827 (b) The independent entity in possession of a motor vehicle
828 must send a notice to the owner that the vehicle is available
829 for pick up when it receives a release statement from the
830 insurance company. The notice shall be sent by certified mail to
831 the owner at the owner's address reflected in the department's
832 records. The notice must inform the owner that the owner has 30
833 days after receipt of the notice to pick up the vehicle from the
834 independent entity. If the motor vehicle is not claimed within
835 30 days after the owner receives the notice, the independent
836 entity may apply for a certificate of destruction or a
837 certificate of title.

838 (c) Upon applying for a certificate of title or certificate
839 of destruction, the independent entity shall provide a copy of
840 the release statement from the insurance company to the
841 independent entity, proof of providing the 30-day notice to the

606-05210-10

20102400c3

842 owner, and applicable fees.

843 (d) The independent entity may not charge an owner of the
844 vehicle storage fees or apply for a title under s. 713.585 or s.
845 713.78.

846 Section 18. Paragraph (i) is added to subsection (15) of
847 section 320.02, Florida Statutes, to read:

848 320.02 Registration required; application for registration;
849 forms.-

850 (15)

851 (i) The application forms for motor vehicle registration
852 and renewal of registration must include language permitting a
853 voluntary contribution of \$1 per applicant, which shall be
854 distributed to the League Against Cancer/La Liga Contra el
855 Cancer. Such contributions shall be distributed by the
856 department to the League Against Cancer/La Liga Contra el
857 Cancer, a not-for-profit organization that provides free medical
858 care to needy cancer patients. The department shall retain all
859 contributions necessary, up to a maximum of \$10,000, to defray
860 the cost of including the voluntary contribution language on the
861 registration forms.

862
863 For the purpose of applying the service charge provided in s.
864 215.20, contributions received under this subsection are not
865 income of a revenue nature.

866 Section 19. Effective July 1, 2010, subsection (10) of
867 section 320.03, Florida Statutes, is amended to read:

868 320.03 Registration; duties of tax collectors;
869 International Registration Plan.-

870 (10) (a) Jurisdiction over the electronic filing system for

606-05210-10

20102400c3

871 use by authorized electronic filing system agents to
872 electronically title or register motor vehicles, vessels, mobile
873 homes, or off-highway vehicles; issue or transfer registration
874 license plates or decals; electronically transfer fees due for
875 the title and registration process; and perform inquiries for
876 title, registration, lienholder verification, and certification
877 of service providers is expressly preempted to the state. The
878 department shall have regulatory authority over the system. The
879 electronic filing system shall be available for use statewide
880 and applied uniformly throughout the state. An entity that, in
881 the normal course of their business, sells products that must be
882 titled or registered, provides title and registration services
883 on behalf of its consumers, and meets all established
884 requirements may be an authorized electronic filing system agent
885 and may not be precluded from participating in the electronic
886 filing system in any county. Upon a request from a qualified
887 entity, the tax collector shall appoint the entity as an
888 authorized electronic filing system agent for the county. The
889 department shall adopt rules pursuant to chapter 120 to replace
890 the program standards of December 10, 2009, and to administer
891 this section, including, but not limited to, establishing
892 participation requirements, certification of service providers,
893 electronic filing system requirements, and enforcement
894 authority. The program standards of December 10, 2009, excluding
895 any standards that conflict with this paragraph, shall remain in
896 effect until rules are adopted. An authorized electronic filing
897 agent may charge a fee to the customer for use of the electronic
898 filing system.

899 (b) Notwithstanding paragraph (a), the private entity

606-05210-10

20102400c3

900 providers of the electronic filing system shall continue to
901 comply with the financial arrangements with the tax collector
902 service corporation which were in effect January 1, 2010,
903 through December 31, 2010. This paragraph expires January 1,
904 2011. Jurisdiction over the outsourced electronic filing system
905 for use by licensed motor vehicle dealers electronically to
906 title and to register motor vehicles and to issue or to transfer
907 registration license plates or decals is expressly preempted to
908 the state. The department shall continue its current outsourcing
909 of the existing electronic filing system, including its program
910 standards. The electronic filing system is approved for use in
911 all counties, shall apply uniformly to all tax collectors of the
912 state, and no tax collector may add or detract from the program
913 standards in his or her respective county. A motor vehicle
914 dealer licensed under this chapter may charge a fee to the
915 customer for use of the electronic filing system, and such fee
916 is not a component of the program standards. Final authority
917 over disputes relating to program standards lies with the
918 department. By January 1, 2010, the Office of Program Policy
919 Analysis and Government Accountability, with input from the
920 department and from affected parties, including tax collectors,
921 service providers, and motor vehicle dealers, shall report to
922 the President of the Senate and the Speaker of the House of
923 Representatives on the status of the outsourced electronic
924 filing system, including the program standards, and its
925 compliance with this subsection. The report shall identify all
926 public and private alternatives for continued operation of the
927 electronic filing system and shall include any and all
928 appropriate recommendations, including revisions to the program

606-05210-10

20102400c3

929 ~~standards.~~

930 Section 20. Effective January 1, 2011, paragraph (e) of
931 subsection (3) of section 320.05, Florida Statutes, is amended
932 to read:

933 320.05 Records of the department; inspection procedure;
934 lists and searches; fees.—

935 (3)

936 (e) When motor vehicle, vessel, or mobile home registration
937 data is provided by electronic access through a tax collector's
938 office, the applicable fee as provided in paragraph (b) must be
939 collected and deposited pursuant to paragraph (c). However, when
940 such registration data is obtained through an electronic system
941 described in s. 320.03(10), s. 320.0609, or s. 320.131 which
942 results in the issuance of a title certificate or the
943 registration credential, such fee does not apply a fee for the
944 electronic access is not required to be assessed. However, at
945 the tax collector's discretion, a fee equal to or less than the
946 fee charged by the department for such information may be
947 assessed by the tax collector for the electronic access.
948 ~~Notwithstanding paragraph (c), any funds collected by the tax~~
949 ~~collector as a result of providing such access shall be retained~~
950 ~~by the tax collector.~~

951 Section 21. Paragraph (b) of subsection (1) of section
952 320.071, Florida Statutes, is amended to read:

953 320.071 Advance registration renewal; procedures.—

954 (1)

955 (b) The owner of any apportioned motor vehicle currently
956 registered in this state may file an application for renewal of
957 registration with the department any time during the 3 ~~5~~ months

606-05210-10

20102400c3

958 preceding the date of expiration of the registration period.

959 Section 22. Section 320.08, Florida Statutes, is amended to
960 read:

961 320.08 License taxes.—Except as otherwise provided herein,
962 there are hereby levied and imposed annual license taxes for the
963 operation of motor vehicles, mopeds, motorized bicycles as
964 defined in s. 316.003(2), tri-vehicles, as defined in s.
965 316.003, and mobile homes, as defined in s. 320.01, which shall
966 be paid to and collected by the department or its agent upon the
967 registration or renewal of registration of the following:

968 (1) MOTORCYCLES AND MOPEDS.—

969 (a) Any motorcycle: \$13.50 flat, of which \$3.50 shall be
970 deposited into the General Revenue Fund.

971 (b) Any moped: \$6.75 flat, of which \$1.75 shall be
972 deposited into the General Revenue Fund.

973 (c) Upon registration of any motorcycle, motor-driven
974 cycle, or moped there shall be paid in addition to the license
975 taxes specified in this subsection a nonrefundable motorcycle
976 safety education fee in the amount of \$2.50. The proceeds of
977 such additional fee shall be deposited in the Highway Safety
978 Operating Trust Fund to fund a motorcycle driver improvement
979 program implemented pursuant to s. 322.025, the Florida
980 Motorcycle Safety Education Program established in s. 322.0255,
981 or the general operations of the department.

982 (d) An ancient or antique motorcycle: \$8.50 ~~\$13.50~~ flat, of
983 which \$3.50 shall be deposited into the General Revenue Fund.

984 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

985 (a) An ancient or antique automobile, as defined in s.
986 320.086, or a street rod, as defined in s. 320.0863: \$10.25

606-05210-10

20102400c3

987 flat, of which \$2.75 shall be deposited into the General Revenue
988 Fund.

989 (b) Net weight of less than 2,500 pounds: \$19.50 flat, of
990 which \$5 shall be deposited into the General Revenue Fund.

991 (c) Net weight of 2,500 pounds or more, but less than 3,500
992 pounds: \$30.50 flat, of which \$8 shall be deposited into the
993 General Revenue Fund.

994 (d) Net weight of 3,500 pounds or more: \$44 flat, of which
995 \$11.50 shall be deposited into the General Revenue Fund.

996 (3) TRUCKS.—

997 (a) Net weight of less than 2,000 pounds: \$19.50 flat, of
998 which \$5 shall be deposited into the General Revenue Fund.

999 (b) Net weight of 2,000 pounds or more, but not more than
1000 3,000 pounds: \$30.50 flat, of which \$8 shall be deposited into
1001 the General Revenue Fund.

1002 (c) Net weight more than 3,000 pounds, but not more than
1003 5,000 pounds: \$44 flat, of which \$11.50 shall be deposited into
1004 the General Revenue Fund.

1005 (d) A truck defined as a "goat," or any other vehicle if
1006 used in the field by a farmer or in the woods for the purpose of
1007 harvesting a crop, including naval stores, during such
1008 harvesting operations, and which is not principally operated
1009 upon the roads of the state: \$10.25 flat, of which \$2.75 shall
1010 be deposited into the General Revenue Fund. A "goat" is a motor
1011 vehicle designed, constructed, and used principally for the
1012 transportation of citrus fruit within citrus groves or for the
1013 transportation of crops on farms, and which can also be used for
1014 the hauling of associated equipment or supplies, including
1015 required sanitary equipment, and the towing of farm trailers.

606-05210-10

20102400c3

1016 (e) An ancient or antique truck, as defined in s. 320.086:
1017 \$10.25 flat, of which \$2.75 shall be deposited into the General
1018 Revenue Fund.

1019 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS
1020 VEHICLE WEIGHT.—

1021 (a) Gross vehicle weight of 5,001 pounds or more, but less
1022 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be
1023 deposited into the General Revenue Fund.

1024 (b) Gross vehicle weight of 6,000 pounds or more, but less
1025 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be
1026 deposited into the General Revenue Fund.

1027 (c) Gross vehicle weight of 8,000 pounds or more, but less
1028 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited
1029 into the General Revenue Fund.

1030 (d) Gross vehicle weight of 10,000 pounds or more, but less
1031 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited
1032 into the General Revenue Fund.

1033 (e) Gross vehicle weight of 15,000 pounds or more, but less
1034 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited
1035 into the General Revenue Fund.

1036 (f) Gross vehicle weight of 20,000 pounds or more, but less
1037 than 26,001 pounds: \$251 flat, of which \$65 shall be deposited
1038 into the General Revenue Fund.

1039 (g) Gross vehicle weight of 26,001 pounds or more, but less
1040 than 35,000: \$324 flat, of which \$84 shall be deposited into the
1041 General Revenue Fund.

1042 (h) Gross vehicle weight of 35,000 pounds or more, but less
1043 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
1044 into the General Revenue Fund.

606-05210-10

20102400c3

1045 (i) Gross vehicle weight of 44,000 pounds or more, but less
1046 than 55,000 pounds: \$773 flat, of which \$201 shall be deposited
1047 into the General Revenue Fund.

1048 (j) Gross vehicle weight of 55,000 pounds or more, but less
1049 than 62,000 pounds: \$916 flat, of which \$238 shall be deposited
1050 into the General Revenue Fund.

1051 (k) Gross vehicle weight of 62,000 pounds or more, but less
1052 than 72,000 pounds: \$1,080 flat, of which \$280 shall be
1053 deposited into the General Revenue Fund.

1054 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322
1055 flat, of which \$343 shall be deposited into the General Revenue
1056 Fund.

1057 (m) Notwithstanding the declared gross vehicle weight, a
1058 truck tractor used within a 150-mile radius of its home address
1059 is eligible for a license plate for a fee of \$324 flat if:

1060 1. The truck tractor is used exclusively for hauling
1061 forestry products; or

1062 2. The truck tractor is used primarily for the hauling of
1063 forestry products, and is also used for the hauling of
1064 associated forestry harvesting equipment used by the owner of
1065 the truck tractor.

1066

1067 Of the fee imposed by this paragraph, \$84 shall be deposited
1068 into the General Revenue Fund.

1069 (n) A truck tractor or heavy truck, not operated as a for-
1070 hire vehicle, which is engaged exclusively in transporting raw,
1071 unprocessed, and nonmanufactured agricultural or horticultural
1072 products within a 150-mile radius of its home address, is
1073 eligible for a restricted license plate for a fee of:

606-05210-10

20102400c3

1074 1. If such vehicle's declared gross vehicle weight is less
1075 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be
1076 deposited into the General Revenue Fund.

1077 2. If such vehicle's declared gross vehicle weight is
1078 44,000 pounds or more and such vehicle only transports from the
1079 point of production to the point of primary manufacture; to the
1080 point of assembling the same; or to a shipping point of a rail,
1081 water, or motor transportation company, \$324 flat, of which \$84
1082 shall be deposited into the General Revenue Fund.

1083
1084 Such not-for-hire truck tractors and heavy trucks used
1085 exclusively in transporting raw, unprocessed, and
1086 nonmanufactured agricultural or horticultural products may be
1087 incidentally used to haul farm implements and fertilizers
1088 delivered direct to the growers. The department may require any
1089 documentation deemed necessary to determine eligibility prior to
1090 issuance of this license plate. For the purpose of this
1091 paragraph, "not-for-hire" means the owner of the motor vehicle
1092 must also be the owner of the raw, unprocessed, and
1093 nonmanufactured agricultural or horticultural product, or the
1094 user of the farm implements and fertilizer being delivered.

1095 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
1096 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1097 (a)1. A semitrailer drawn by a GVW truck tractor by means
1098 of a fifth-wheel arrangement: \$13.50 flat per registration year
1099 or any part thereof, of which \$3.50 shall be deposited into the
1100 General Revenue Fund.

1101 2. A semitrailer drawn by a GVW truck tractor by means of a
1102 fifth-wheel arrangement: \$68 flat per permanent registration, of

606-05210-10

20102400c3

1103 which \$18 shall be deposited into the General Revenue Fund.

1104 (b) A motor vehicle equipped with machinery and designed
1105 for the exclusive purpose of well drilling, excavation,
1106 construction, spraying, or similar activity, and which is not
1107 designed or used to transport loads other than the machinery
1108 described above over public roads: \$44 flat, of which \$11.50
1109 shall be deposited into the General Revenue Fund.

1110 (c) A school bus used exclusively to transport pupils to
1111 and from school or school or church activities or functions
1112 within their own county: \$41 flat, of which \$11 shall be
1113 deposited into the General Revenue Fund.

1114 (d) A wrecker, as defined in s. 320.01(40), which is used
1115 to tow a vessel as defined in s. 327.02(39), a disabled,
1116 abandoned, stolen-recovered, or impounded motor vehicle as
1117 defined in s. 320.01(38), or a replacement motor vehicle as
1118 defined in s. 320.01(39): \$41 flat, of which \$11 shall be
1119 deposited into the General Revenue Fund.

1120 (e) A wrecker that is used to tow any motor vehicle,
1121 regardless of whether such motor vehicle is a disabled motor
1122 vehicle, a replacement motor vehicle, a vessel, or any other
1123 cargo, as follows:

1124 1. Gross vehicle weight of 10,000 pounds or more, but less
1125 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited
1126 into the General Revenue Fund.

1127 2. Gross vehicle weight of 15,000 pounds or more, but less
1128 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited
1129 into the General Revenue Fund.

1130 3. Gross vehicle weight of 20,000 pounds or more, but less
1131 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited

606-05210-10

20102400c3

1132 into the General Revenue Fund.

1133 4. Gross vehicle weight of 26,000 pounds or more, but less
1134 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited
1135 into the General Revenue Fund.

1136 5. Gross vehicle weight of 35,000 pounds or more, but less
1137 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
1138 into the General Revenue Fund.

1139 6. Gross vehicle weight of 44,000 pounds or more, but less
1140 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited
1141 into the General Revenue Fund.

1142 7. Gross vehicle weight of 55,000 pounds or more, but less
1143 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited
1144 into the General Revenue Fund.

1145 8. Gross vehicle weight of 62,000 pounds or more, but less
1146 than 72,000 pounds: \$1,080 flat, of which \$280 shall be
1147 deposited into the General Revenue Fund.

1148 9. Gross vehicle weight of 72,000 pounds or more: \$1,322
1149 flat, of which \$343 shall be deposited into the General Revenue
1150 Fund.

1151 (f) A hearse or ambulance: \$40.50 flat, of which \$10.50
1152 shall be deposited into the General Revenue Fund.

1153 (6) MOTOR VEHICLES FOR HIRE.—

1154 (a) Under nine passengers: \$17 flat, of which \$4.50 shall
1155 be deposited into the General Revenue Fund; plus \$1.50 per cwt,
1156 of which 50 cents shall be deposited into the General Revenue
1157 Fund.

1158 (b) Nine passengers and over: \$17 flat, of which \$4.50
1159 shall be deposited into the General Revenue Fund; plus \$2 per
1160 cwt, of which 50 cents shall be deposited into the General

606-05210-10

20102400c3

1161 Revenue Fund.

1162 (7) TRAILERS FOR PRIVATE USE.—

1163 (a) Any trailer weighing 500 pounds or less: \$6.75 flat per
1164 year or any part thereof, of which \$1.75 shall be deposited into
1165 the General Revenue Fund.

1166 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1
1167 shall be deposited into the General Revenue Fund; plus \$1 per
1168 cwt, of which 25 cents shall be deposited into the General
1169 Revenue Fund.

1170 (8) TRAILERS FOR HIRE.—

1171 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1
1172 shall be deposited into the General Revenue Fund; plus \$1.50 per
1173 cwt, of which 50 cents shall be deposited into the General
1174 Revenue Fund.

1175 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which
1176 \$3.50 shall be deposited into the General Revenue Fund; plus
1177 \$1.50 per cwt, of which 50 cents shall be deposited into the
1178 General Revenue Fund.

1179 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

1180 (a) A travel trailer or fifth-wheel trailer, as defined by
1181 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27
1182 flat, of which \$7 shall be deposited into the General Revenue
1183 Fund.

1184 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:
1185 \$13.50 flat, of which \$3.50 shall be deposited into the General
1186 Revenue Fund.

1187 (c) A motor home, as defined by s. 320.01(1)(b)4.:

1188 1. Net weight of less than 4,500 pounds: \$27 flat, of which
1189 \$7 shall be deposited into the General Revenue Fund.

606-05210-10

20102400c3

1190 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
1191 which \$12.25 shall be deposited into the General Revenue Fund.

1192 (d) A truck camper as defined by s. 320.01(1)(b)3.:

1193 1. Net weight of less than 4,500 pounds: \$27 flat, of which
1194 \$7 shall be deposited into the General Revenue Fund.

1195 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
1196 which \$12.25 shall be deposited into the General Revenue Fund.

1197 (e) A private motor coach as defined by s. 320.01(1)(b)5.:

1198 1. Net weight of less than 4,500 pounds: \$27 flat, of which
1199 \$7 shall be deposited into the General Revenue Fund.

1200 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
1201 which \$12.25 shall be deposited into the General Revenue Fund.

1202 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;
1203 35 FEET TO 40 FEET.—

1204 (a) Park trailers.—Any park trailer, as defined in s.
1205 320.01(1)(b)7.: \$25 flat.

1206 (b) A travel trailer or fifth-wheel trailer, as defined in
1207 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.

1208 (11) MOBILE HOMES.—

1209 (a) A mobile home not exceeding 35 feet in length: \$20
1210 flat.

1211 (b) A mobile home over 35 feet in length, but not exceeding
1212 40 feet: \$25 flat.

1213 (c) A mobile home over 40 feet in length, but not exceeding
1214 45 feet: \$30 flat.

1215 (d) A mobile home over 45 feet in length, but not exceeding
1216 50 feet: \$35 flat.

1217 (e) A mobile home over 50 feet in length, but not exceeding
1218 55 feet: \$40 flat.

606-05210-10

20102400c3

1219 (f) A mobile home over 55 feet in length, but not exceeding
1220 60 feet: \$45 flat.

1221 (g) A mobile home over 60 feet in length, but not exceeding
1222 65 feet: \$50 flat.

1223 (h) A mobile home over 65 feet in length: \$80 flat.

1224 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
1225 motor vehicle dealer, independent motor vehicle dealer, marine
1226 boat trailer dealer, or mobile home dealer and manufacturer
1227 license plate: \$17 flat, of which \$4.50 shall be deposited into
1228 the General Revenue Fund.

1229 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or
1230 official license plate: \$4 flat, of which \$1 shall be deposited
1231 into the General Revenue Fund.

1232 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor
1233 vehicle for hire operated wholly within a city or within 25
1234 miles thereof: \$17 flat, of which \$4.50 shall be deposited into
1235 the General Revenue Fund; plus \$2 per cwt, of which 50 cents
1236 shall be deposited into the General Revenue Fund.

1237 (15) TRANSPORTER.—Any transporter license plate issued to a
1238 transporter pursuant to s. 320.133: \$101.25 flat, of which
1239 \$26.25 shall be deposited into the General Revenue Fund.

1240 Section 23. Section 45 of chapter 2008-176, Laws of
1241 Florida, is amended to read:

1242 Section 45. Except for a specialty license plate proposal
1243 which has submitted a letter of intent to the Department of
1244 Highway Safety and Motor Vehicles prior to May 2, 2008, and
1245 which has submitted a valid survey, marketing strategy, and
1246 application fee as required by s. 320.08053, Florida Statutes,
1247 prior to October 1, 2008 ~~the effective date of this act, or~~

606-05210-10

20102400c3

1248 which was included in a bill filed during the 2008 Legislative
1249 Session, the Department of Highway Safety and Motor Vehicles may
1250 not issue any new specialty license plates pursuant to ss.
1251 320.08056 and 320.08058, Florida Statutes, between July 1, 2008,
1252 and July 1, 2014 ~~2011~~.

1253 Section 24. Section 320.08053, Florida Statutes, is amended
1254 to read:

1255 320.08053 Requirements for requests to establish specialty
1256 license plates.—

1257 (1) An organization that seeks authorization to establish a
1258 new specialty license plate for which an annual use fee is to be
1259 charged must submit to the department:

1260 (a) A request for the particular specialty license plate
1261 being sought, describing the proposed specialty license plate in
1262 specific terms, including a sample plate that conforms to the
1263 specifications set by the department and this chapter, and that
1264 is in substantially final form.

1265 ~~(b) The results of a scientific sample survey of Florida~~
1266 ~~motor vehicle owners that indicates at least 30,000 motor~~
1267 ~~vehicle owners intend to purchase the proposed specialty license~~
1268 ~~plate at the increased cost. As used in this paragraph, the term~~
1269 ~~"scientific sample survey" means information that is gathered~~
1270 ~~from a representative subset of the population as a whole. The~~
1271 ~~sample survey of registered motor vehicle owners must be~~
1272 ~~performed independently of the requesting organization by an~~
1273 ~~organization that conducts similar sample surveys as a normal~~
1274 ~~course of business. Prior to conducting a sample survey for the~~
1275 ~~purposes of this section, a requesting organization must obtain~~
1276 ~~a determination from the department that the organization~~

606-05210-10

20102400c3

1277 ~~selected to conduct the survey performs similar surveys as a~~
1278 ~~normal course of business and is independent of the requesting~~
1279 ~~organization. The methodology, results, and any evaluation by~~
1280 ~~the department of the scientific sample survey shall be~~
1281 ~~validated by the Auditor General as a condition precedent to~~
1282 ~~submission of the specialty license plate for approval by the~~
1283 ~~Legislature.~~

1284 (b)~~(e)~~ An application fee, not to exceed \$60,000, to defray
1285 the department's cost for reviewing the application and
1286 developing the specialty license plate, if authorized. State
1287 funds may not be used to pay the application fee, except for
1288 collegiate specialty license plates authorized in s.
1289 320.08058(3) and (13). ~~The specialty license plate application~~
1290 ~~provisions of this act shall not apply to any organization which~~
1291 ~~has requested and received the required forms for obtaining a~~
1292 ~~specialty license plate authorization from the Department of~~
1293 ~~Highway Safety and Motor Vehicles, has opened a bank account for~~
1294 ~~the funds collected for the specialty license tag and has made~~
1295 ~~deposits to such an account, and has obtained signatures toward~~
1296 ~~completing the requirements for the specialty license tag. All~~
1297 ~~applications requested on or after the effective date of this~~
1298 ~~act must meet the requirements of this act.~~

1299 (c)~~(d)~~ A marketing strategy outlining short-term and long-
1300 term marketing plans for the requested specialty license plate
1301 and a financial analysis outlining the anticipated revenues and
1302 the planned expenditures of the revenues to be derived from the
1303 sale of the requested specialty license plates.

1304
1305 The information required under this subsection must be submitted

606-05210-10

20102400c3

1306 to the department at least 90 days before the convening of the
1307 next regular session of the Legislature.

1308 (2) If the specialty license plate requested by the
1309 organization is approved by law, the organization must submit
1310 the proposed art design for the specialty license plate to the
1311 department, in a medium prescribed by the department, as soon as
1312 practicable, but no later than 60 days after the act approving
1313 the specialty license plate becomes a law. If the specialty
1314 license plate requested by the organization is not approved by
1315 the Legislature or does not meet the presale requirements in
1316 subsection (3), the application fee shall be refunded to the
1317 requesting organization.

1318 (3) (a) Within 120 days following the specialty license
1319 plate becoming law, the department shall establish a method to
1320 issue a specialty license plate voucher to allow for the presale
1321 of the specialty license plate. The processing fee as prescribed
1322 in s. 320.08056, the service charge and branch fee as prescribed
1323 in s. 320.04, and the annual use fee as prescribed in s.
1324 320.08056 shall be charged for the voucher. All other applicable
1325 fees shall be charged at the time of issuance of the license
1326 plates.

1327 (b) Within 24 months after the presale specialty license
1328 plate voucher is established, the approved specialty license
1329 plate organization must record with the department a minimum of
1330 1,000 voucher sales before manufacture of the license plate may
1331 commence. If, at the conclusion of the 24-month presale period,
1332 the minimum sales requirements have not been met, the specialty
1333 plate is deauthorized and the department shall discontinue
1334 development of the plate and discontinue issuance of the presale

606-05210-10

20102400c3

1335 vouchers. Upon deauthorization of the license plate, a purchaser
1336 of the license plate voucher may use the annual use fee
1337 collected as a credit towards any other specialty license plate
1338 or apply for a refund on a form prescribed by the department.

1339 (c) An organization that meets the requirements of this
1340 subsection shall be deemed to have submitted a valid survey for
1341 purposes of s. 45 of chapter 2008-176, Laws of Florida, as
1342 amended.

1343 Section 25. Subsection (1) and paragraph (b) of subsection
1344 (8) of section 320.08056, Florida Statutes, are amended, and
1345 paragraphs (rrr), (sss), and (ttt) are added to subsection (4)
1346 of that section, to read:

1347 320.08056 Specialty license plates.—

1348 (1) The department is responsible for developing the
1349 specialty license plates authorized in s. 320.08053. ~~The~~
1350 ~~department shall begin production and distribution of each new~~
1351 ~~specialty license plate within 1 year after approval of the~~
1352 ~~specialty license plate by the Legislature.~~

1353 (4) The following license plate annual use fees shall be
1354 collected for the appropriate specialty license plates:

1355 (rrr) Hispanic Achievers license plate, \$25.

1356 (sss) Children First license plate, \$25.

1357 (ttt) Veterans of Foreign Wars license plate, \$25.

1358 (8)

1359 (b) The department is authorized to discontinue the
1360 issuance of a specialty license plate and distribution of
1361 associated annual use fee proceeds if the organization no longer
1362 exists, if the organization has stopped providing services that
1363 are authorized to be funded from the annual use fee proceeds, if

606-05210-10

20102400c3

1364 the organization does not meet the presale requirements as
1365 prescribed in s. 320.08053(3), or pursuant to an organizational
1366 recipient's request. Organizations shall ~~are required to~~ notify
1367 the department immediately to stop all warrants for plate sales
1368 if any of the conditions in this section exist, and must meet
1369 the requirements of s. 320.08062 for any period of operation
1370 during a fiscal year.

1371 Section 26. Subsections (70), (71), and (72) are added to
1372 section 320.08058, Florida Statutes, to read:

1373 320.08058 Specialty license plates.—

1374 (70) HISPANIC ACHIEVERS LICENSE PLATES.—

1375 (a) Upon the National Hispanic Corporate Achievers, Inc.,
1376 meeting the requirements of s. 320.08053, the department shall
1377 develop a Hispanic Achievers license plate as provided in this
1378 section. The plate must bear the colors and design approved by
1379 the department. The word "Florida" must appear at the top of the
1380 plate and the words "Hispanic Achievers" must appear at the
1381 bottom of the plate.

1382 (b) The proceeds from the license plate annual use fee
1383 shall be distributed to National Hispanic Corporate Achievers,
1384 Inc., a nonprofit corporation under s. 501(c)(3) of the Internal
1385 Revenue Code, to fund grants to nonprofit organizations to
1386 operate programs and provide scholarships and for marketing the
1387 Hispanic Achievers license plate. National Hispanic Corporate
1388 Achievers, Inc., shall establish a Hispanic Achievers Grant
1389 Council that shall provide recommendations for statewide grants
1390 from available Hispanic Achievers license plate proceeds to
1391 nonprofit organizations for programs and scholarships for
1392 Hispanic and minority Floridians. National Hispanic Corporate

606-05210-10

20102400c3

1393 Achievers, Inc., shall also establish a Hispanic Achievers
1394 License Plate Fund. Moneys in the fund shall be used by the
1395 grant council as provided in this paragraph. All fund received
1396 under this subsection must be used in this state.

1397 (c) National Hispanic Corporate Achievers, Inc., may retain
1398 all proceeds from the annual use fee until documented startup
1399 costs for developing and establishing the plate have been
1400 recovered. Thereafter, the proceeds from the annual use fee
1401 shall be used as follows:

1402 1. Up to 10 percent of the proceeds may be used for the
1403 cost of administration of the Hispanic Achievers License Plate
1404 Fund, the Hispanic Achievers Grant Council, and related matters.

1405 2. Funds may be used as necessary for annual audit or
1406 compliance affidavit costs.

1407 3. Twenty-five percent of the proceeds shall be used by the
1408 Hispanic Corporate Achievers, Inc., located in Seminole County,
1409 for grants.

1410 4. The remaining proceeds shall be available to the
1411 Hispanic Achievers Grant Council to award grants for services,
1412 programs, or scholarships for Hispanic and minority individuals
1413 and organizations throughout Florida. All grant recipients must
1414 provide to the Hispanic Achievers Grant Council an annual
1415 program and financial report regarding the use of grant funds.
1416 Such reports must be available to the public.

1417 (71) CHILDREN FIRST LICENSE PLATES.—

1418 (a) Upon Children First Florida, Inc., meeting the
1419 requirements of s. 320.08053, the department shall develop a
1420 Children First license plate as provided in this section. The
1421 plate must bear the colors and design approved by the

606-05210-10

20102400c3

1422 department. The word "Florida" must appear at the top of the
1423 plate and the words "Children First" must appear at the bottom
1424 of the plate.

1425 (b) The annual use fees shall be distributed to Children
1426 First Florida, Inc., which shall retain all proceeds until the
1427 startup costs to develop and establish the plates have been
1428 recovered. Thereafter, the proceeds shall be used as follows:

1429 1. A maximum of 15 percent of the proceeds may be used to
1430 administer the license plate program and for direct
1431 administrative costs associated with the operations of Children
1432 First Florida, Inc.

1433 2. A maximum of 10 percent of the proceeds may be used to
1434 promote and market the license plates.

1435 3. The remaining fees shall be used by Children First
1436 Florida, Inc., to fund public schools in this state, including
1437 teacher salaries.

1438 (72) VETERANS OF FOREIGN WARS LICENSE PLATES.-

1439 (a) Upon Veterans of Foreign Wars, Department of Florida,
1440 meeting the requirements of s. 320.08053, the department shall
1441 develop a Veterans of Foreign Wars license plate as provided in
1442 this section. The plates must bear the colors and design
1443 approved by the department and must incorporate the Great Seal
1444 of the Veterans of Foreign Wars of the United States as
1445 described in Art. VIII, s. 801 of the Congressional Charter and
1446 By-Laws of the Veterans of Foreign Wars of the United States.
1447 The word "Florida" must appear at the top of the plate, and the
1448 words "Veterans of Foreign Wars" must appear at the bottom of
1449 the plate.

1450 (b) The proceeds from the license plate annual use fee

606-05210-10

20102400c3

1451 shall be distributed to Veterans of Foreign Wars, Department of
1452 Florida, which may retain all of such revenue until the startup
1453 costs to develop and establish the license plate program have
1454 been recovered. Thereafter, not less than 50 percent of those
1455 fees shall be used to support the Voice of Democracy and
1456 Patriots' Pen Scholarship programs and to support high school
1457 and college ROTC programs.

1458 Section 27. The amendments to s. 320.08053, Florida
1459 Statutes, shall not apply to organizations that are exempt from
1460 the moratorium contained in section 45 of chapter 2008-176, Laws
1461 of Florida, and that have complied with the provisions of s.
1462 320.08053, Florida Statutes (2009).

1463 Section 28. The Department of Highway Safety and Motor
1464 Vehicles may not establish any new voluntary contributions on
1465 the motor vehicle registration form under s. 320.023, Florida
1466 Statutes, or the driver's license application form under s.
1467 322.081, Florida Statutes, between July 1, 2010, and July 1,
1468 2013. However, the Department of Highway Safety and Motor
1469 Vehicles may establish a voluntary contribution for an
1470 organization that has:

1471 (1) (a) Submitted a request to establish a voluntary
1472 contribution on a motor vehicle registration application under
1473 s. 320.023, Florida Statutes, or a driver's license application
1474 under s. 322.081, Florida Statutes, to the Department of Highway
1475 Safety and Motor Vehicles before May 1, 2010; and

1476 (b) Submitted a valid financial analysis, marketing
1477 strategy, and application fee before September 1, 2010; or

1478 (2) Filed a bill during the 2010 Legislative Session to
1479 establish a voluntary contribution under s. 320.023 or s.

606-05210-10

20102400c3

1480 322.081, Florida Statutes.

1481 Section 29. Section 320.0807, Florida Statutes, is amended
1482 to read:

1483 320.0807 Special license plates for Governor and federal
1484 and state legislators.—

1485 (1) Upon application by any member of the House of
1486 Representatives of Congress and payment of the fees prescribed
1487 by s. 320.0805, the department is authorized to issue to such
1488 Member of Congress a license plate stamped "Member of Congress"
1489 followed by the number of the appropriate congressional district
1490 and the letters "MC," or any other configuration chosen by the
1491 member which is not already in use. Upon application by a United
1492 States Senator and payment of the fees prescribed by s.

1493 320.0805, the department is authorized to issue a license plate
1494 stamped "USS," followed by the numeral II in the case of the
1495 junior senator.

1496 (2) Upon application by any member of the state House of
1497 Representatives and payment of the fees prescribed by s.
1498 320.0805, the department is authorized to issue such state
1499 representative license plates stamped in bold letters "State
1500 Legislator," followed by the number of the appropriate House of
1501 Representatives district and the letters "HR," or any other
1502 configuration chosen by the member which is not already in use
1503 ~~on one plate; the numbers of the other plates will be assigned~~
1504 ~~by the department.~~ Upon application by a state senator and
1505 payment of the fees prescribed by s. 320.0805, the department is
1506 authorized to issue license plates stamped in bold letters
1507 "State Senator," followed by the number of the appropriate
1508 Senate district and the letters "SN," or any other configuration

606-05210-10

20102400c3

1509 chosen by the member which is not already in use ~~on one plate;~~
1510 ~~the numbers of the other plates will be assigned by the~~
1511 ~~department.~~

1512 (3) Upon application by the Governor and payment of the
1513 appropriate fees, the department is authorized to issue to the
1514 Governor two license plates stamped in bold letters "Florida 1"
1515 and "Florida 2."

1516 (4) License plates purchased under subsection (1),
1517 subsection (2), or subsection (3) shall be replaced by the
1518 department at no cost, other than the fees required by ss.
1519 320.04 and 320.06(3)(b), when the person to whom such plates
1520 have been issued leaves the elective office with respect to
1521 which such license plates were issued. Within 30 days after
1522 leaving office, the person to whom such license plates have been
1523 issued shall make application to the department for a
1524 replacement license plate. Such person may return the prestige
1525 license plates to the department or may retain such plates as
1526 souvenirs. Upon receipt of the replacement license plate, such
1527 person shall not continue to display on any vehicle the prestige
1528 license plate or plates issued with respect to his or her former
1529 office.

1530 ~~(5) Upon application by any current or former President of~~
1531 ~~the Senate and payment of the fees prescribed by s. 320.0805,~~
1532 ~~the department is authorized to issue a license plate stamped in~~
1533 ~~bold letters "Senate President" followed by the number assigned~~
1534 ~~by the department or chosen by the applicant if it is not~~
1535 ~~already in use. Upon application by any current or former~~
1536 ~~Speaker of the House of Representatives and payment of the fees~~
1537 ~~prescribed by s. 320.0805, the department is authorized to issue~~

606-05210-10

20102400c3

1538 a license plate stamped in bold letters "House Speaker" followed
1539 by the number assigned by the department or chosen by the
1540 applicant if it is not already in use.

1541 (5)~~(6)~~ Any person who does not make application for a
1542 replacement license plate as required by subsection (4), or who,
1543 after receipt of the replacement license plate, continues to
1544 display on any vehicle the prestige license plate or plates
1545 issued with respect to his or her former office, is guilty of a
1546 misdemeanor of the second degree, punishable as provided in s.
1547 775.082 or s. 775.083.

1548 Section 30. Subsection (4) of section 320.084, Florida
1549 Statutes, is amended to read:

1550 320.084 Free motor vehicle license plate to certain
1551 disabled veterans.—

1552 (4) (a) With the issuance of each new permanent "DV"
1553 numerical motor vehicle license plate, the department shall
1554 initially issue, without cost to the applicant, a validation
1555 sticker reflecting the owner's birth month and a serially
1556 numbered validation sticker reflecting the year of expiration.
1557 The initial sticker reflecting the year of expiration may not
1558 exceed 27 ~~15~~ months.

1559 (b) There shall be a service charge in accordance with the
1560 provisions of s. 320.04 for each initial application or renewal
1561 of registration and an additional sum of 50 cents on each
1562 license plate and validation sticker as provided in s.
1563 320.06(3) (b).

1564 (c) Registration under this section shall be renewed
1565 annually or biennially during the applicable renewal period on
1566 forms prescribed by the department, which shall include, in

606-05210-10

20102400c3

1567 addition to any other information required by the department, a
1568 certified statement as to the continued eligibility of the
1569 applicant to receive the special "DV" license plate. Any
1570 applicant who falsely or fraudulently submits to the department
1571 the certified statement required by this paragraph is guilty of
1572 a noncriminal violation and is subject to a civil penalty of
1573 \$50.

1574 Section 31. Section 321.03, Florida Statutes, is amended to
1575 read:

1576 321.03 Imitations prohibited; penalty.—Unless specifically
1577 authorized by the Florida Highway Patrol, a it shall be unlawful
1578 for any person or persons in the state shall not ~~to~~ color or
1579 cause to be colored any motor vehicle or motorcycle the same or
1580 similar color as the color or colors so prescribed for the
1581 Florida Highway Patrol. A Any person who violates violating any
1582 of the provisions of this section or s. 321.02 with respect to
1583 uniforms, emblems, motor vehicles, and motorcycles commits shall
1584 be guilty of a misdemeanor of the first degree, punishable as
1585 provided in s. 775.082 or s. 775.083. The Department of Highway
1586 Safety and Motor Vehicles shall employ such clerical help and
1587 mechanics as may be necessary for the economical and efficient
1588 operation of such department.

1589 Section 32. Section 321.05, Florida Statutes, is amended to
1590 read:

1591 321.05 Duties, functions, and powers of patrol officers.—
1592 The members of the Florida Highway Patrol are hereby declared to
1593 be conservators of the peace and law enforcement officers of the
1594 state, with the common-law right to arrest a person who, in the
1595 presence of the arresting officer, commits a felony or commits

606-05210-10

20102400c3

1596 an affray or breach of the peace constituting a misdemeanor,
1597 with full power to bear arms; and they shall apprehend, without
1598 warrant, any person in the unlawful commission of any of the
1599 acts over which the members of the Florida Highway Patrol are
1600 given jurisdiction as hereinafter set out and deliver him or her
1601 to the sheriff of the county that further proceedings may be had
1602 against him or her according to law. In the performance of any
1603 of the powers, duties, and functions authorized by law, members
1604 of the Florida Highway Patrol ~~shall~~ have the same protections
1605 and immunities afforded other peace officers, which shall be
1606 recognized by all courts having jurisdiction over offenses
1607 against the laws of this state, and ~~shall~~ have authority to
1608 apply for, serve, and execute search warrants, arrest warrants,
1609 capias, and other process of the court ~~in those matters in which~~
1610 ~~patrol officers have primary responsibility as set forth in~~
1611 ~~subsection (1)~~. The patrol officers under the direction and
1612 supervision of the Department of Highway Safety and Motor
1613 Vehicles shall perform and exercise throughout the state the
1614 following duties, functions, and powers:

1615 (1) To patrol the state highways and regulate, control, and
1616 direct the movement of traffic thereon; to maintain the public
1617 peace by preventing violence on highways; to apprehend fugitives
1618 from justice; to enforce all laws now in effect regulating and
1619 governing traffic, travel, and public safety upon the public
1620 highways and providing for the protection of the public highways
1621 and public property thereon; to make arrests without warrant for
1622 the violation of any state law committed in their presence in
1623 accordance with the laws of this state; providing that no search
1624 shall be made unless it is incident to a lawful arrest, to

606-05210-10

20102400c3

1625 regulate and direct traffic concentrations and congestions; to
1626 enforce laws governing the operation, licensing, and taxing and
1627 limiting the size, weight, width, length, and speed of vehicles
1628 and licensing and controlling the operations of drivers and
1629 operators of vehicles; to cooperate with officials designated by
1630 law to collect all state fees and revenues levied as an incident
1631 to the use or right to use the highways for any purpose; to
1632 require the drivers of vehicles to stop and exhibit their
1633 driver's licenses, registration cards, or documents required by
1634 law to be carried by such vehicles; to investigate traffic
1635 accidents, secure testimony of witnesses and of persons
1636 involved, and make report thereof with copy, when requested in
1637 writing, to any person in interest or his or her attorney; to
1638 investigate reported thefts of vehicles and to seize contraband
1639 or stolen property on or being transported on the highways. Each
1640 law enforcement officer is subject to and has the same arrest
1641 and other authority provided for law enforcement officers
1642 generally in chapter 901 and has statewide jurisdiction. Each
1643 officer shall also have arrest authority as provided for state
1644 law enforcement officers in s. 901.15. This section shall not be
1645 construed as being in conflict with, but is supplemental to,
1646 chapter 933.

1647 (2) To assist other constituted law enforcement officers of
1648 the state to quell mobs and riots, guard prisoners, and police
1649 disaster areas.

1650 (3) (a) To make arrests while in fresh pursuit of a person
1651 believed to have violated the traffic and other laws.

1652 (b) To make arrest of a person wanted for a felony or
1653 against whom a warrant has been issued on any charge in

606-05210-10

20102400c3

1654 violation of federal, state, or county laws or municipal
1655 ordinances.

1656 (4) (a) All fines and costs and the proceeds of the
1657 forfeiture of bail bonds and recognizances resulting from the
1658 enforcement of this chapter by patrol officers shall be paid
1659 into the fine and forfeiture fund established pursuant to s.
1660 142.01 of the county where the offense is committed. In all
1661 cases of arrest by patrol officers, the person arrested shall be
1662 delivered forthwith by the ~~said~~ officer to the sheriff of the
1663 county, or he or she shall obtain from the ~~such~~ person arrested
1664 a recognizance or, if deemed necessary, a cash bond or other
1665 sufficient security conditioned for his or her appearance before
1666 the proper tribunal of the ~~such~~ county to answer the charge for
1667 which he or she has been arrested; and all fees accruing shall
1668 be taxed against the party arrested, which fees are hereby
1669 declared to be part of the compensation of the ~~said~~ sheriffs
1670 authorized to be fixed by the Legislature under s. 5(c), Art. II
1671 of the State Constitution, to be paid such sheriffs in the same
1672 manner as fees are paid for like services in other criminal
1673 cases. All patrol officers are hereby directed to deliver all
1674 bonds accepted and approved by them to the sheriff of the county
1675 in which the offense is alleged to have been committed. However,
1676 a ~~no~~ sheriff shall not be paid any arrest fee for the arrest of
1677 a person for violation of any section of chapter 316 when the
1678 arresting officer was transported in a Florida Highway Patrol
1679 car to the vicinity where the arrest was made; and a ~~no~~ sheriff
1680 shall not be paid any fee for mileage for himself or herself or
1681 a prisoner for miles traveled in a Florida Highway Patrol car. A
1682 ~~No~~ patrol officer is not ~~shall be~~ entitled to any fee or mileage

606-05210-10

20102400c3

1683 cost except when responding to a subpoena in a civil cause or
1684 except when the ~~such~~ patrol officer is appearing as an official
1685 witness to testify at any hearing or law action in any court of
1686 this state as a direct result of his or her employment as a
1687 patrol officer during time not compensated as a part of his or
1688 her normal duties. Nothing herein shall be construed as limiting
1689 the power to locate and to take from any person under arrest or
1690 about to be arrested deadly weapons. ~~Nothing contained in This~~
1691 section is not ~~shall be construed as~~ a limitation upon existing
1692 powers and duties of sheriffs or police officers.

1693 (b) Any person so arrested and released on his or her own
1694 recognizance by an officer and who fails ~~shall fail~~ to appear or
1695 respond to a notice to appear shall, in addition to the traffic
1696 violation charge, commits ~~be guilty of~~ a noncriminal traffic
1697 infraction subject to the penalty provided in s. 318.18(2).

1698 (5) The department may employ or assign some fit and
1699 suitable person with experience in the field of public relations
1700 who shall ~~have the duty to~~ promote, coordinate, and publicize
1701 the traffic safety activities in the state and assign such
1702 person to the office of the Governor at a salary to be fixed by
1703 the department. The person so assigned or employed shall be a
1704 member of the uniform division of the Florida Highway Patrol,
1705 and he or she shall have the pay and rank of lieutenant while on
1706 such assignment.

1707 (6) The Division of Florida Highway Patrol is authorized to
1708 adopt ~~promulgate~~ rules and regulations ~~which may be necessary~~ to
1709 implement the provisions of chapter 316.

1710 Section 33. Subsection (26) of section 322.01, Florida
1711 Statutes, is amended, and subsection (46) is added to that

606-05210-10

20102400c3

1712 section, to read:

1713 322.01 Definitions.—As used in this chapter:

1714 (26) "Motorcycle" means a motor vehicle powered by a motor
1715 with a displacement of more than 50 cubic centimeters, having a
1716 seat or saddle for the use of the rider, and designed to travel
1717 on not more than three wheels in contact with the ground, but
1718 excluding a tractor, tri-vehicle, or moped.

1719 (46) "Tri-vehicle" means an enclosed three-wheeled
1720 passenger vehicle that:

1721 (a) Is designed to operate with three wheels in contact
1722 with the ground;

1723 (b) Has a minimum unladen weight of 900 lbs;

1724 (c) Has a single, completely enclosed, occupant
1725 compartment;

1726 (d) Is produced in a minimum quantity of 300 in any
1727 calendar year;

1728 (e) Is capable of a speed greater than 60 miles per hour on
1729 level ground; and

1730 (f) Is equipped with:

1731 1. Seats that are certified by the vehicle manufacturer to
1732 meet the requirements of Federal Motor Vehicle Safety Standard
1733 No. 207, "Seating systems" (49 C.F.R. s. 571.207);

1734 2. A steering wheel used to maneuver the vehicle;

1735 3. A propulsion unit located forward or aft of the enclosed
1736 occupant compartment;

1737 4. A seat belt for each vehicle occupant, certified to meet
1738 the requirements of Federal Motor Vehicle Safety Standard No.
1739 209, "Seat belt assemblies" (49. C.F.R. s. 571.209);

1740 5. A windshield and an appropriate windshield wiper and

606-05210-10

20102400c3

1741 washer system that are certified by the vehicle manufacture to
1742 meet the requirements of Federal Motor Vehicle Safety Standard
1743 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal
1744 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and
1745 Washing Systems" (49 C.F.R. s. 571.104); and

1746 6. A vehicle structure certified by the vehicle
1747 manufacturer to meet the requirements of Federal Motor Vehicle
1748 Safety Standard No. 216, "Rollover crush resistance," (49 C.F.R.
1749 s. 571.216).

1750 Section 34. Subsection (7) of section 322.08, Florida
1751 Statutes, is amended to read:

1752 322.08 Application for license; requirements for license
1753 and identification card forms.—

1754 (7) The application form for an original, renewal, or
1755 replacement a driver's license or identification card ~~duplicate~~
1756 ~~thereof~~ shall include language permitting the following:

1757 (a) A voluntary contribution of \$1 per applicant, which
1758 contribution shall be deposited into the Health Care Trust Fund
1759 for organ and tissue donor education and for maintaining the
1760 organ and tissue donor registry.

1761 (b) A voluntary contribution of \$1 per applicant, which
1762 contribution shall be distributed to the Florida Council of the
1763 Blind.

1764 (c) A voluntary contribution of \$2 per applicant, which
1765 shall be distributed to the Hearing Research Institute,
1766 Incorporated.

1767 (d) A voluntary contribution of \$1 per applicant, which
1768 shall be distributed to the Juvenile Diabetes Foundation
1769 International.

606-05210-10

20102400c3

1770 (e) A voluntary contribution of \$1 per applicant, which
1771 shall be distributed to the Children's Hearing Help Fund.

1772 (f) A voluntary contribution of \$1 per applicant, which
1773 shall be distributed to Family First, a nonprofit organization.

1774 (g) A voluntary contribution of \$1 per applicant, to Stop
1775 Heart Disease, which shall be distributed to the Florida Heart
1776 Research Institute, a nonprofit organization.

1777 (h) A voluntary contribution of \$1 per applicant, which
1778 shall be distributed to the League Against Cancer/La Liga Contra
1779 el Cancer, a not-for profit organization.

1780
1781 A statement providing an explanation of the purpose of the trust
1782 funds shall also be included. For the purpose of applying the
1783 service charge provided in s. 215.20, contributions received
1784 under paragraphs (b)-(h) ~~(b), (c), (d), (e), (f), and (g)~~ and
1785 under s. 322.18(9) are not income of a revenue nature.

1786 Section 35. Section 322.121, Florida Statutes, is amended
1787 to read:

1788 322.121 Periodic reexamination of all drivers.—

1789 (1) It is the intent of the Legislature that all licensed
1790 drivers in Florida be reexamined upon renewal of their licenses.
1791 Because only a small percentage of drivers in the state are
1792 categorized as problem drivers, the Legislature intends that
1793 renewals ~~the large number of drivers who have not had any~~
1794 ~~convictions for the 3 years preceding renewal and whose driving~~
1795 ~~privilege in this state has not been revoked, disqualified, or~~
1796 ~~suspended at any time during the 7 years preceding renewal~~ be
1797 processed expeditiously ~~upon renewal of their licenses~~ by
1798 examinations of the licensee's ~~their~~ eyesight and hearing only

606-05210-10

20102400c3

1799 ~~and that all other licensees be tested, in addition to the~~
1800 ~~eyesight and hearing examinations, with respect to their ability~~
1801 ~~to read and understand highway signs regulating, warning, and~~
1802 ~~directing traffic.~~

1803 ~~(2) Each licensee must pass a reexamination at the time of~~
1804 ~~renewal, except as otherwise provided in this chapter. For each~~
1805 ~~licensee whose driving record does not show any convictions for~~
1806 ~~the preceding 3 years or any revocations, disqualifications, or~~
1807 ~~suspensions for the preceding 7 years; and who, at the time of~~
1808 ~~renewal, presents a renewal notice verifying such safe driving~~
1809 ~~record, the reexamination shall consist of tests of the~~
1810 ~~licensee's eyesight and hearing. For all other licensees, in~~
1811 ~~addition to the eyesight and hearing tests, the reexamination~~
1812 ~~must include tests of the ability to read and understand highway~~
1813 ~~signs and pavement markings regulating, warning, and directing~~
1814 ~~traffic.~~

1815 (2)~~(3)~~ For each licensee whose driving record does not show
1816 any revocations, disqualifications, or suspensions for the
1817 preceding 7 years or any convictions for the preceding 3 years
1818 except for convictions of the following nonmoving violations:

1819 (a) Failure to exhibit a vehicle registration certificate,
1820 rental agreement, or cab card pursuant to s. 320.0605;

1821 (b) Failure to renew a motor vehicle or mobile home
1822 registration that has been expired for 4 months or less pursuant
1823 to s. 320.07(3)(a);

1824 (c) Operating a motor vehicle with an expired license that
1825 has been expired for 4 months or less pursuant to s. 322.065;

1826 (d) Failure to carry or exhibit a license pursuant to s.
1827 322.15(1); or

606-05210-10

20102400c3

1828 (e) Failure to notify the department of a change of address
1829 or name within 10 days pursuant to s. 322.19,

1830

1831 the department shall cause such licensee's license to be
1832 prominently marked with the notation "Safe Driver."

1833 (3)~~(4)~~ Eyesight examinations must be administered as
1834 provided in s. 322.12.

1835 (4)~~(5)~~ An examination fee may not be assessed for
1836 reexamination required by this section.

1837 (5)~~(6)~~ Members of the Armed Forces, or their dependents
1838 residing with them, shall be granted an automatic extension for
1839 the expiration of their licenses without reexamination while
1840 serving on active duty outside this state. This extension is
1841 valid for 90 days after the member of the Armed Forces is either
1842 discharged or returns to this state to live.

1843 (6)~~(7)~~ In addition to any other examination authorized by
1844 this section, an applicant for a renewal of a commercial
1845 driver's license may be required to complete successfully an
1846 examination of his or her knowledge regarding state and federal
1847 rules, regulations, and laws, governing the type of vehicle
1848 which he or she is applying to be licensed to operate.

1849 (7)~~(8)~~ In addition to any other examination authorized by
1850 this section, an applicant for a renewal of an endorsement
1851 issued under s. 322.57(1)(a), (b), (d), (e), or (f) may be
1852 required to complete successfully an examination of his or her
1853 knowledge regarding state and federal rules, regulations, and
1854 laws, governing the type of vehicle which he or she is seeking
1855 an endorsement to operate.

1856 Section 36. Paragraph (a) of subsection (5) and paragraph

606-05210-10

20102400c3

1857 (c) of subsection (8) of section 322.18, Florida Statutes, are
1858 amended to read:

1859 322.18 Original applications, licenses, and renewals;
1860 expiration of licenses; delinquent licenses.-

1861 (5) All renewal driver's licenses may be issued after the
1862 applicant licensee has been determined to be eligible by the
1863 department.

1864 (a) A licensee who is otherwise eligible for renewal and
1865 who is at least 80 years of age:

1866 1. Must submit to and pass a vision test administered at
1867 any driver's license office; or

1868 2. If the licensee applies for a renewal using a
1869 convenience service as provided in subsection (8), he or she
1870 must submit to a vision test administered by a physician
1871 licensed under chapter 458 or chapter 459, ~~or~~ an optometrist
1872 licensed under chapter 463, or a licensed physician at a
1873 federally established veterans hospital, must send the results
1874 of that test to the department on a form obtained from the
1875 department and signed by such health care practitioner, and must
1876 meet vision standards that are equivalent to the standards for
1877 passing the departmental vision test. The physician or
1878 optometrist may submit the results of a vision test by a
1879 department-approved electronic means.

1880 (8) The department shall issue 8-year renewals using a
1881 convenience service without reexamination to drivers who have
1882 not attained 80 years of age. The department shall issue 6-year
1883 renewals using a convenience service when the applicant has
1884 satisfied the requirements of subsection (5).

1885 (c) The department shall issue one renewal using a

606-05210-10

20102400c3

1886 convenience service. A person who is out of this state when his
1887 or her license expires may be issued a 90-day temporary driving
1888 permit without reexamination. At the end of the 90-day period,
1889 the person must either return to this state or apply for a
1890 license where the person is located, except for a member of the
1891 Armed Forces as provided in s. 322.121(5) ~~s. 322.121(6)~~.

1892 Section 37. Subsection (2) of section 322.2615, Florida
1893 Statutes, is amended to read:

1894 322.2615 Suspension of license; right to review.—

1895 (2) Except as provided in paragraph (1)(a), the law
1896 enforcement officer shall forward to the department, within 5
1897 days after issuing the notice of suspension, the driver's
1898 license; an affidavit stating the officer's grounds for belief
1899 that the person was driving or in actual physical control of a
1900 motor vehicle while under the influence of alcoholic beverages
1901 or chemical or controlled substances; the results of any breath
1902 or blood test or an affidavit stating that a breath, blood, or
1903 urine test was requested by a law enforcement officer or
1904 correctional officer and that the person refused to submit; the
1905 officer's description of the person's field sobriety test, if
1906 any; and the notice of suspension; ~~and a copy of the crash~~
1907 ~~report, if any.~~ The failure of the officer to submit materials
1908 within the 5-day period specified in this subsection and in
1909 subsection (1) does not affect the department's ability to
1910 consider any evidence submitted at or prior to the hearing. The
1911 officer may also submit a copy of the crash report, a copy of a
1912 videotape of the field sobriety test or the attempt to
1913 administer such test. Materials submitted to the department by a
1914 law enforcement agency or correctional agency shall be

606-05210-10

20102400c3

1915 considered self-authenticating and shall be in the record for
1916 consideration by the hearing officer. Notwithstanding s.
1917 316.066(7), the crash report shall be considered by the hearing
1918 officer.

1919 Section 38. Subsection (11) is added to section 322.34,
1920 Florida Statutes, to read:

1921 322.34 Driving while license suspended, revoked, canceled,
1922 or disqualified.—

1923 (11) (a) A person who does not hold a commercial driver
1924 license and who is cited for an offense of knowingly driving
1925 while his or her license is suspended, revoked, or canceled for
1926 any of the underlying violations listed in paragraph (10) (a)
1927 may, in lieu of payment of fine or court appearance, elect to
1928 enter a plea of nolo contendere and provide proof of compliance
1929 to the clerk of the court, designated official, or authorized
1930 operator of a traffic violations bureau. In such case,
1931 adjudication shall be withheld; however, no election shall be
1932 made under this subsection if such person has made an election
1933 under this subsection in the 12 months preceding election
1934 hereunder. A person may not make more than three elections under
1935 this subsection.

1936 (b) If adjudication is withheld under paragraph (a), such
1937 action is not a conviction.

1938 Section 39. Subsection (8) of section 322.61, Florida
1939 Statutes, is amended to read:

1940 322.61 Disqualification from operating a commercial motor
1941 vehicle.—

1942 (8) A driver who is convicted of or otherwise found to have
1943 committed a violation of an out-of-service order while driving a

606-05210-10

20102400c3

1944 commercial motor vehicle is disqualified as follows:

1945 (a) Not less than 180 ~~90~~ days nor more than 1 year if the
1946 driver is convicted of or otherwise found to have committed a
1947 first violation of an out-of-service order.

1948 (b) Not less than 2 years ~~1 year~~ nor more than 5 years if,
1949 for offenses occurring during any 10-year period, the driver is
1950 convicted of or otherwise found to have committed two violations
1951 of out-of-service orders in separate incidents.

1952 (c) Not less than 3 years nor more than 5 years if, for
1953 offenses occurring during any 10-year period, the driver is
1954 convicted of or otherwise found to have committed three or more
1955 violations of out-of-service orders in separate incidents.

1956 (d) Not less than 180 days nor more than 2 years if the
1957 driver is convicted of or otherwise found to have committed a
1958 first violation of an out-of-service order while transporting
1959 hazardous materials required to be placarded under the Hazardous
1960 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or
1961 while operating motor vehicles designed to transport more than
1962 15 passengers, including the driver. A driver is disqualified
1963 for a period of not less than 3 years nor more than 5 years if,
1964 for offenses occurring during any 10-year period, the driver is
1965 convicted of or otherwise found to have committed any subsequent
1966 violations of out-of-service orders, in separate incidents,
1967 while transporting hazardous materials required to be placarded
1968 under the Hazardous Materials Transportation Act, 49 U.S.C. ss.
1969 5101 et seq., or while operating motor vehicles designed to
1970 transport more than 15 passengers, including the driver.

1971 Section 40. Section 488.06, Florida Statutes, is amended to
1972 read:

606-05210-10

20102400c3

1973 488.06 Denial, revocation, or suspension of license or
1974 certificate.—The Department of Highway Safety and Motor Vehicles
1975 may suspend or revoke any license or certificate issued under
1976 the provisions of this chapter if the holder of the license or
1977 certificate, or if an instructor, agent, or employee of the
1978 commercial driving school, has:

1979 (1) Violated the provisions of this chapter;—

1980 (2) Been convicted of, pled no contest to, or had
1981 adjudication withheld for any felony offense or misdemeanor
1982 offense, as shown by a fingerprint-based criminal background
1983 check, the cost of which must be borne by the applicant,
1984 instructor, agent, or employee;

1985 (3) Committed any fraud or willful misrepresentation in
1986 applying for or obtaining a license; or

1987 (4) Solicited business on any premises, including parking
1988 areas, used by the department or a tax collector for the purpose
1989 of licensing drivers.

1990
1991 For purposes of subsection (2), fingerprints shall be submitted
1992 by the Department of Highway Safety and Motor Vehicles to the
1993 Department of Law Enforcement for state processing, and the
1994 Department of Law Enforcement shall forward them to the Federal
1995 Bureau of Investigation for national processing. The Department
1996 of Highway Safety and Motor Vehicles shall screen the background
1997 check results to determine if an applicant, instructor, agency,
1998 or employee meets licensure or certification requirements.

1999 Section 41. Except as otherwise expressly provided in this
2000 act and except for this section, which shall take effect July 1,
2001 2010, this act shall take effect September 1, 2010.